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Earl Warren Oral History Project

EARL WARREN'S CAMPAIGNS

Volume I

Stanley N. Barnes	<i>Experiences in Grass Roots Organization</i>
Thomas J. Cunningham	<i>Southern California Campaign Chairman for Earl Warren, 1946</i>
Murray Draper	<i>Warren's 1946 Campaign in Northern California</i>
William S. Mailliard	<i>Earl Warren in the Governor's Office</i>
Archibald M. Mull, Jr.	<i>Warren Fund-Raiser; Bar Association Leader</i>
Rollin Lee McNitt	<i>A Democrat for Warren</i>

Interviews Conducted by  
Amelia R. Fry  
June C. Hogan

Copy No. 1





## PREFACE

The Earl Warren Oral History Project, a special project of the Regional Oral History Office, was inaugurated in 1969 to produce tape-recorded interviews with persons prominent in the arenas of politics, governmental administration, and criminal justice during the Warren Era in California. Focusing on the years 1925-1953, the interviews were designed not only to document the life of Chief Justice Warren but to gain new information on the social and political changes of a state in the throes of a depression, then a war, then a postwar boom.

An effort was made to document the most significant events and trends by interviews with key participants who spoke from diverse vantage points. Most were queried on the one or two topics in which they were primarily involved; a few interviewees with special continuity and breadth of experience were asked to discuss a multiplicity of subjects. While the cut-off date of the period studied was October 1953, Earl Warren's departure for the United States Supreme Court, there was no attempt to end an interview perfunctorily when the narrator's account had to go beyond that date in order to complete the topic.

The interviews have stimulated the deposit of Warreniana in the form of papers from friends, aides, and the opposition; government documents; old movie newsreels; video tapes; and photographs. This Earl Warren collection is being added to The Bancroft Library's extensive holdings on twentieth century California politics and history.

The project has been financed by four outright grants from the National Endowment for the Humanities, a one year grant from the California State Legislature through the California Heritage Preservation Commission, and by gifts from local donors which were matched by the Endowment. Contributors include the former law clerks of Chief Justice Earl Warren, the Cortez Society, many long-time supporters of "the Chief," and friends and colleagues of some of the major memoirists in the project. The Roscoe and Margaret Oakes Foundation and the San Francisco Foundation have jointly sponsored the Northern California Negro Political History Series, a unit of the Earl Warren Project.

Particular thanks are due the Friends of The Bancroft Library who were instrumental in raising local funds for matching, who served as custodian for all such funds, and who then supplemented from their own treasury all local contributions on a one-dollar-for-every-three dollars basis.

The Regional Oral History Office was established to tape record autobiographical interviews with persons prominent in the history of California and the West. The Office is under the administrative supervision of James D. Hart, Director of The Bancroft Library.

Amelia R. Fry, Director  
Earl Warren Oral History Project

Willa K. Baum, Department Head  
Regional Oral History Office

30 June 1976  
Regional Oral History Office  
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## EARL WARREN ORAL HISTORY PROJECT

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Arthur H. Sherry

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\* Deceased during the term of the project.



EARL WARREN ORAL HISTORY PROJECT  
(California, 1926-1953)

Interviews Completed - June 1976

Single Interview Volumes

A. Wayne Amerson, Northern California and Its Challenges to a Negro in the Mid-1900s. 1974. With an introduction by Henry Ziesenhenn

Edwin L. Carty, Hunting, Politics, and the Fish and Game Commission. 1975.

Ford Chatters, View from the Central Valley: The California Legislature, Water, Politics, and The State Personnel Board. 1976. With an introduction by Harold Schutt

C.L. Dellums, International President of the Brotherhood of Sleeping Car Porters and Civil Rights Leader. 1973. With an introduction by Tarea Pittman

McIntyre Faries, California Republicans, 1934-1953. 1973.

Richard Graves, Theoretician, Advocate, and Candidate in California State Government. 1973.

Emily H. Huntington, A Career in Consumer Economics and Social Insurance. 1971. With an introduction by Charles A. Gulick

Helen S. MacGregor, A Career in Public Service with Earl Warren. 1973. With an introduction by Earl Warren

Richard Allen McGee, Participant in the Evolution of American Corrections: 1931-1973. 1976. With an introduction by Caleb Foote

Donald McLaughlin, Careers in Mining Geology and Management, University Governance and Teaching. 1975. With an introduction by Charles Meyer

Edgar James Patterson, Governor's Mansion Aide to Prison Counselor. 1975. With an introduction by Merrell F. Small

Tarea Pittman, NAACP Official and Civil Rights Worker. 1974. With an introduction by C.L. Dellums

Robert B. Powers, Law Enforcement, Race Relations: 1930-1960. 1971. With an introduction by Robert W. Kenny

William Byron Rumford, Legislator for Fair Employment, Fair Housing, and Public Health. 1973. With an introduction by A. Wayne Amerson

Arthur H. Sherry, The Alameda County District Attorney's Office and the California Crime Commission. 1976.

Merrell F. Small, The Office of the Governor Under Earl Warren. 1972.



Paul Schuster Taylor, California Social Scientist.  
Volume I: Education, Field Research, and Family. 1973. With an introduction  
by Lawrence I. Hewes  
Volume II, III: California Water and Agricultural Labor. 1975. With introductions  
by Paul W. Gates and George M. Foster

### Multi-Interview Volumes

Earl Warren's Bakersfield. 1971.

Maryann Ashe and Ruth Smith Henley, Earl Warren's Bakersfield.  
Omar Cavins, Coming of Age in Bakersfield.  
Francis Vaughan, School Days in Bakersfield.  
Ralph Kreiser, A Reporter Recollects the Warren Case.  
Manford Martin and Ernest McMillan, On Methias Warren.

Perspectives on the Alameda County District Attorney's Office. With an introduction  
by Arthur H. Sherry

Volume I: 1972.

John F. Mullins, How Earl Warren Became District Attorney.  
Edith Balaban, Reminiscences About Nathan Harry Miller, Deputy District Attorney,  
Alameda County.  
Judge Cliver D. Hamlin, Reminiscences About the Alameda County District Attorney's  
Office in the 1920s and 30s.  
Mary Shaw, Perspectives of a Newspaperwoman.  
Willard W. Shea, Recollections of Alameda County's First Public Defender.

Volume II: 1973.

Richard Chamberlain, Reminiscences About the Alameda County District Attorney's  
Office.  
Lloyd Jester, Reminiscences of an Inspector in the District Attorney's Office.  
Beverly Heinrichs, Reminiscences of a Secretary in the District Attorney's Office.  
Clarence Severin, Chief Clerk in the Alameda County District Attorney's Office.  
Homer R. Spence, Attorney, Legislator, and Judge.  
E.A. Daly, Alameda County Political Leader and Journalist.  
John Bruce, A Reporter Remembers Earl Warren.

Volume III: 1974.

J. Frank Coakley, A Career in the Alameda County District Attorney's Office.  
Albert E. Hederman, Jr., From Office Boy to Assistant District Attorney.  
Lowell Jensen, Reflections of the Alameda County District Attorney.  
James H. Oakley, Early Life of a Warren Assistant.

The Shipboard Murder Case: Labor, Radicalism, and Earl Warren, 1936-1941. 1976.

Ernest G. Ramsay, Reminiscences of a Defendant in the Shipboard Murder Case.  
Aubrey Grossman, A Defense Attorney Assesses the King, Ramsay, Conner Case.  
Myron Harris, A Defense Attorney Reminisces.  
Herbert Resner, The Recollections of the Attorney for Frank Conner.  
Miriam Dinkin Johnson, The King, Ramsay, Conner Defense Committee, 1938-1941.  
Peter Odeen, Captain of the Point Lobos.





Labor Looks at Earl Warren. 1970.

Germaine Bulcke, A Longshoreman's Observations.  
Joseph Chaudet, A Printer's View.  
Paul Heide, A Warehouseman's Reminiscences.  
U.S. Simonds, A Carpenter's Comments.  
Ernest H. Vernon, A Machinist's Recollections.

Labor Leaders View the Warren Era. 1976. With an introduction by George W. Johns  
Robert S. Ash, Alameda County Labor County Labor Council During the Warren Years.  
Cornelius J. Haggerty, Labor, Los Angeles, and the Legislature.

The Japanese-American Relocation Reviewed. With an introduction by Mike M. Masaoka  
Volume I: Decision and Exodus. 1976.

Tom Clark, Comments on the Japanese-American Relocation.  
Edward Ennis, A Justice Department Attorney Comments on the Japanese-American Relocation.  
Percy Heckendorf, Planning for the Japanese Evacuation: Reforming Regulatory Agency Procedures.  
James Rowe, The Japanese Evacuation Decision.  
Herbert Wenig, The California Attorney General's Office, the Judge Advocate General Corps, and Japanese-American Relocation.

Volume II: The Internment. 1974.

Robert B. Cozzens, Assistant National Director of the War Relocation Authority.  
Dillon S. Myer, War Relocation Authority: The Director's Account.  
Ruth W. Kingman, The Fair Play Committee and Citizen Participation.  
Hisako Hibi, paintings of Tanforan and Topaz camps.

The Governor and the Public, the Press, and the Legislature. 1973.

Marguerite Gallagher, Administrative Procedures in Earl Warren's Office, 1938-53.  
Verne Scoggins, Observations on California Affairs by Governor Earl Warren's Press Secretary.  
Beach Vasey, Governor Warren and the Legislature.

Earl Warren and Health Insurance: 1943-1949. 1971.

Russel VanArsdale Lee, M.D., Pioneering in Prepaid Group Medicine.  
Byrl R. Salsman, Shepherding Health Insurance Bills Through the California Legislature.  
Gordon Claycombe, The Making of a Legislative Committee Study.  
John W. Cline, M.D., California Medical Association Crusade Against Compulsory State Health Insurance.

Earl Warren and the State Department of Mental Hygiene. 1973.

Frank F. Tallman, M.D., Dynamics of Change in State Mental Institutions.  
Portia Bell Hume, M.D., Mother of Community Mental Health Services.

Earl Warren and the State Department of Public Health. 1973. With an introduction by E.S. Rogers

Malcolm H. Merrill, M.D., M.P.H., A Director Reminisces.  
Frank M. Stead, Environmental Pollution Control.  
Henry Ongerth, Recollections of the Bureau of Sanitary Engineering.  
Kent A. Zimmerman, M.D., Mental Health Concepts.  
Lawrence Arnstein, Public Health Advocates and Issues.



California State Finance in the 1940s. 1974. With an introduction by Stanley Scott  
Fred Links, An Overview of the Department of Finance.  
Ellis Groff, Some Details of Public Revenue and Expenditure in the 1940s.  
George Killion, Observations on Culbert Olson, Earl Warren, and Money Matters  
in Public Affairs.  
A. Alan Post, Watchdog on State Spending.  
Paul Leake, Statement on the Board of Equalization.

Earl Warren and the Youth Authority. 1972. With an introduction by Allen F. Breed  
Karl Holton, Developments in Juvenile Correctional Techniques.  
Kenyon Scudder, Beginnings of Therapeutic Correctional Facilities.  
Heman Stark, Juvenile Correctional Services and the Community.  
Kenneth Beam, Community Involvement in Delinquency Prevention.

Earl Warren's Campaigns.

Volume I: 1976.

Stanley N. Barnes, Experiences in Grass Roots Organization.  
Thomas J. Cunningham, Southern California Campaign Chairman for Earl Warren, 1946.  
Murray Draper, Warren's 1946 Campaign in Northern California.  
William S. Mailliard, Earl Warren in the Governor's Office.  
Archibald M. Mull, Jr., Warren Fund-Raiser; Bar Association Leader.  
Rollin Lee McNitt, A Democrat for Warren.

Volume II: In Process.

Volume III: In Process.

California Democrats in the Earl Warren Era. 1976.

Florence Clifton, California Democrats, 1934-1950.  
Robert Clifton, The Democratic Party, Culbert L. Olson, and the Legislature.  
James Roosevelt, Campaigning for Governor Against Earl Warren, 1950.  
George Outland, James Roosevelt's Primary Campaign, 1950.  
Langdon Post, James Roosevelt's Northern California Campaign, 1950.

Bee Perspectives of the Warren Era. 1976.

Richard Rodda, From the Capitol Press Room.  
Herbert L. Phillips, Perspective of a Political Reporter.  
Walter P. Jones, An Editor's Long Friendship with Earl Warren.

The Warrens: Four Personal Views. 1976.

Horace Albright, Earl Warren Job Hunting at the Legislature.  
Irving and Jean Stone, Earl Warren's Friend and Biographer.  
Betty Foot Henderson, Secretary to Two Warrens.  
Benjamin H. Swig, Shared Social Concerns.



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Earl Warren Oral History Project

Stanley N. Barnes

EXPERIENCES IN GRASS ROOTS ORGANIZATION

An Interview Conducted by  
Amelia R. Fry





Judge Stanley Barnes





ERRATA -- Stanley Barnes

- p. ii      Line 10--Cal's freshman team in 1926: insert "in 1922."
- p. iii     Line 4 --"Learned Hand" (not Leonard Hamm) and add "Herbert Brownell."
- p. 14      Eileen Taylor's married name was Marguardsen; also pp. 97 and 99.
- p. 17      Line 3 --Change thousand to \$800.00.
- p. 17      Line 21--Nibs not Nibbs Price.
- p. 20      Line 3 --Change Ransome to Ransom W. Chase.
- p. 22      Line 38--Change Eugene Bezcalluz to Eugene Biscailuz.
- p. 26      Line 15--Change Inga Bull to Ingall Bull. Also p. 92
- p. 28      Line 20--Change scences to scenes
- p. 29      Line 30--Change sentence to: "He had his partners, Arthur Syvertson (who flew to his death out in the Pacific in World War II)--and Oscar Trippett,--both very able and smart lawyers working with him, not to mention Lyle C. Newcomer, another partner."
- p. 30      Line 14--Change out to our.
- p. 51      Line 26--After California Republican Assembly add of L.A. County.
- p. 54      Line 22--Change Jolen F. Aiso to John F. Aiso. Also p. 92.
- p. 61      Line 13--Change sentence to "There's Jean, there's Ed in Sacramento, and Phelps in Santa Barbara; there's Jack and Wendell."
- p. 62      Line 39--Add after times.: "I served as a director of UCLA's 'California Institute for Cancer Research' for about twenty years, and worked with Harry Masser to help found that group."
- p. 65      Line 31--Change Ann to Anne.
- p. 68      Line 3 --Change Antony Garner to Anthony Garner.



- p. 69      Line 31--After before insert I did.
- p. 71      Line 3 --Insert a period after presiding judge: Change both to Both.
- p. 74      Line 30--After administration, insert (with one exception!),
- p. 92      Line 18--Change Barnes, Charles Matthew Turner to Charles Walthew Turner.
- P. 93      Line 9 --Change Chase, Lucius Jr., to Chase, Lucius F.
- p. 94      Line 20--Change Cruther to Crutcher. Also p. 18, line 2.



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## INTERVIEW HISTORY

Date of Interview: November 19, 1971

Place of Interview: Chambers of Judge Barnes, United States Courthouse, Ninth Circuit Court of Appeals, Los Angeles

Those Present: Judge Barnes and interviewer

The Interview:

In the first weeks of the Earl Warren Oral History Project, Judge Stanley Barnes set aside time for a conference with the staff. This was July 11, 1969, and he remained active and interested throughout the series.

The friendship of Judge Barnes and Chief Justice Earl Warren was rooted in football, in a mutual alma mater, law, and Republican politics. Following Warren as a University of California student at Berkeley by ten years, Barnes was on the famous "Wonder Team" while Earl Warren was a young deputy (and avid football fan) in the district attorney's office in the adjacent city of Oakland. For three years after graduating, the new lawyer pursued a private practice in San Francisco before moving to Los Angeles. It was there that he built up a successful law office and developed into a southern UC alumni leader just as Earl Warren was beginning to move up in the ranks of the UC Alumni Association in the north. Barnes and Warren went up the steps of the organization together (and alternately, north-south) to the top.

Barnes rarely left an organization the same way he found it. Under his creative leadership a new southern alumni entity formed especially for football aficionados, the "Southern Seas" (C's). His shaker-and-mover tendencies may have first been noticed in the 1918 school strike in his high school days, which was followed by his application of the cabal from his British history studies to the Berkeley campus, where he and five others captured the top student offices.

In the legal profession he followed his reform tendencies by pioneering to integrate the Los Angeles Bar racially; in the Republican political arena he was one who pushed the California Republican Assembly into a vehicle for pre-primary endorsement of candidates, one of which was always Earl Warren, and, in 1946, newcomer Richard M. Nixon. When Barnes moved to Washington as Assistant United States Attorney General in charge of anti-trust in 1953 (the same year that Warren went to Washington as the new Chief Justice), perhaps it was to be expected that Barnes' administration would be the one to seek divestiture of some of the multiple interests of the enormous I.E. DuPont Corporation.

Judge Barnes "retired" in 1971, which meant he had time to take a trip abroad but would continue to sit on selected cases. He agreed to this tape recording session even though he was under pressure of leaving on his trip





within only a few days. We began recording before lunch, continued through the lunch hour, and went well into mid-afternoon before closing the session. His perseverance to get the job done was illustrative of his style of working, and was well matched by his stamina to continue.

A Justice Department attorney's statement that Stanley Barnes had been the best administrator that the anti-trust division had ever had was made credible by Barnes' thorough follow-through in his work on this transcript. He looked up written verification for his stories (such as the high school strike on page 6); he checked out details (the exact score against Stanford when he coached Cal's freshman team in 1926 was 54 - 0); he spent a great deal of time confirming the story of Earl Warren's resignation from the American Bar Association and Lloyd Wright's role in it, finally writing to ROHO on 1 October 1974,

*On the Lloyd Wright matter, I personally checked with [attorney] Joe Ball and have given you what he has told me. I don't think you could get any more accurate facts than what I have submitted.*

He inserted many names, such as those of the early members of the California Republican Assembly group, a four-page list that has been inserted in the manuscript. Later, he was invaluable in arranging interviews with Republican financiers Asa Call and Roy P. Crocker. For interviews on the subject of Earl Warren's appointment as Chief Justice, Judge Barnes suggested and helped us contact Herbert Brownell--President Eisenhower's close aide and Attorney General--and present Chief Justice Warren Burger, whose Minnesota delegation in 1952 played a role parallel to Warren's California group in that Republican convention.

Barnes pursued the question of whether a want ad was placed by the 1946 Fact-Finding Committee which invited any persons interested in the Twelfth Congressional District seat to apply, and whether that ad was what set Richard M. Nixon in motion on the political scene. Barnes searched for fellow committee members who might have saved the clipping or remembered the newspaper that ran it. In a letter to us October 1, 1974, he wrote,

*I talked at some length with Roy P. Crocker (Chairman of the Board of Lincoln Savings and Loan) who was as I recall on the committee [to search for a candidate to defeat Congressman Voorhis] with me. He recalls the ad, and we thought Arthur Kruse (who was a savings and loan executive in Alhambra) was a member, and a lawyer from San Marino whose name we still cannot remember. I may be able to add more from Crocker and/or Kruse. . . .*



The elusive ad had not surfaced by the time the interview manuscript was fully processed.\*

Judge Barnes' spacious chambers are lined with high book cases and pictures of notables with whom he has worked: Judge Leonard Hamm, former U.S. Attorney General (and later Secretary of State) William Rogers, Chief Justice Earl Warren, and Richard Nixon, who at the time of the interview was pre-Watergate President of the United States and enjoying the crest of his popular support. During a short break, as the Judge showed this interviewer around his displays of mementos and pictures, his vision of his niche in society became clear: he has always eschewed political candidacy for himself, preferring instead the dual satisfactions of continuing to build his legal career while organizing support for others in the political arena.

Amelia R. Fry  
Interviewer-Editor

11 May 1976  
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\* However, Roy Day, a newspaper publisher in Pomona and one of the original Nixon supporters, later deposited with the project several clippings and Nixon memorabilia, among which was a story from a district newspaper that announced a meeting of the Twelfth Congressional District Republican Candidate and Fact-Finding Committee in the William Penn Hotel in Whittier. Listing names of potential candidates coming to speak (including one Lieutenant Commander Richard Nixon "who is flying west from Baltimore, Maryland, especially for the occasion,") it added, "Any man or woman who has any desire to become a candidate. . . is invited to appear before the Committee, Chairman Day said." The appeal appeared on page 5, October 31, 1945, and it or a similar story may be what, thirty years later, is remembered as a paid want ad. Even if it is, a plane ticket for Richard Nixon was apparently already arranged for, prior to the appearance of this story. (See Appendix items.)



From Who's Who in America  
1970-1971

**BARNES, Stanley Nelson**, fed. circuit judge; b. Baraboo, Wis., May 1, 1900; s. Charles Loring and Janet (Rankin) B.; A.B., U. Cal., 1922, J.D., 1925, LL.D., 1961; student Harvard Law Sch., 1923-24; m. Anne Fisk, Oct. 18, 1929; children—Janet Anne Hansen, Judith Fisk Melkessian, Joyce Rankin Robinson. Admitted to California bar, 1925, practiced in San Francisco, 1925-28, Los Angeles, 1928-48; lectr. law U. So. Cal., 1947-52, forensic medicine, 1949-60; judge superior ct., Los Angeles, 1947-53; presiding judge superior ct., Los Angeles Co., 1952-53; asst. atty. gen., anti-trust div. Dept. Justice, 1953-56; judge U.S. 9th Circuit Ct. Appeals, 1956—, Mem. President's Conf. Administrative Procedure, 1953; co-chmn. Atty. Gen.'s Nat. Com. Study Antitrust Laws, 1953-55; adv. council appellate rules Jud. Conf. U.S.; adv. council Practising Law Institute, Bd. dir. S.W. Mus., Los Angeles, Regent U. Cal., 1946-48. Named Alumnus of Year, U. Cal., 1967, Roast Hall Sch. Law, University of California, 1967. Mem. Fed. (nat. pres. 1954-55), Am. (chmn. of section Jud. adminstr.: 1966-67), Cal., San Francisco, Los Angeles, N.Y.C. bar assns., Am. Judicature Soc., Inst. Jud. Adminstr., Am. Coll. Trial Lawyers, Cal. Alumni Assn. (pres. 1946-49), A.A.A.S., Am. Acad. Forensic Sci., Phi Delta Phi, Sigma Chi (nat. pres. 1952-55, nat. trustee 1950-52), Episcopalian Adv. Bd. Anti-Trust, Bull. Mem. Football Hall of Fame, Home: 747 S. Orange Grove Av., Pasadena, Cal. Office: U.S. Courthouse, Los Angeles 12.

From Who's Who in the West  
1970-1971

**BARNES, Stanley Nelson**, judge; b. Baraboo, Wis., May 1, 1900; s. Rev. Charles L. and Janet (Rankin) B.; A.B., University of California, 1922, J.D., 1925, LL.D. (honorary), 1961; student Harvard Law Sch., 1923-24; m. Anne Fisk, October 18, 1929; children—Janet, Judith, Joyce. Admitted to the California bar, 1925, practiced in San Francisco, 1925-28, Los Angeles, 1928-48; mem. Chase, Barnes & Chase, 1929-48; judge Superior Ct. of Los Angeles County, 1948-53, presiding judge, 1952-53; asst. atty. gen. U.S. in charge Anti-trust Div., 1953-56, circuit judge 9th Jud. Circuit, 1956-68; judge U.S. Ct. Appeals 9th Circuit, 1968—; lectr. law, law sch. U. So. Cal., 1948-52, lectr. medicine, med. sch., 1949—; mem. nat. adv. com. on appellate rules and procedure Judicial Conference U.S., 1961—, Mem. Pres. Conf. on Administrative Procedure, 1953; co-chmn. Atty. Gen.'s Nat. Com. to Study Antitrust Laws, 1953-55. Past regent University California; dir. Southwest Museum, California Inst. Cancer Research. Served in USN, 1918. Named to Football Hall of Fame, 1954. Mem. Cal. State Bar, Am. (chmn. section Jud. adminstr. 1968), Fed. (nat. pres. 1954-55), Los Angeles (trustee 1945-48) bar assns., Bar Assn. City N.Y., Inst. Jud. Adminstr., Am. Coll. Trial Lawyers, Am. Acad. Forensic Sci., Practising Law Institute (national adv. council), A.A.A.S., U. Cal. Alumni Assn. (past president named Alumnus of the Year for 1968), Sigma Chi (nat. pres. 1952-55), Phi Delta Phi, Episcopalian, Clubs: University, Cal. (Los Angeles); Bohemian (San Francisco). Home: 747 S. Orange Grove Av., Pasadena, CA 91105 Office: U.S. Ct. Appeals, Los Angeles, CA



Date of Interview: 19 November, 1971

## I PERSONAL BACKGROUND

### Father in Banking and the Ministry

Fry: How much time do you have?

Barnes: I'll have as much time as you need.

Fry: Okay, great.

Barnes: Let's start!

Fry: You were born in Wisconsin, and what is the ~~name~~ of that town?

Barnes: Baraboo.

Fry: That's what Who's Who said. I couldn't believe that.

Barnes: That's what it said. It's located about thirty miles north of Madison. Its chief claim for renown is that it was the home of the Ringling Brothers Circus, the winter quarters, for many, many years, and has even now a circus museum there. So I was the envy of kids in San Diego, in the early 1900's, when I had passes to the circus when it came to town. Everyone, of course, knew the Ringlings in Baraboo; it was a little town of probably a thousand.

Fry: So you had an inside with the Ringling Brothers.

Barnes: Yes, my father had--and my older brother--as far as the circus is concerned.

Fry: Heavens, you might have grown up to be a tightrope walker!





Fry: Now, according to my notes, your mother died in Wisconsin.

Barnes: In Wisconsin, yes, when I was a year old. She died of typhoid fever. My dad also had it, and he came out to California on a stretcher, and wasn't expected to live.

Fry: Was that by train?

Barnes: Yes. With my older brother.

Fry: It was just your older brother and you and your father?

Barnes: No, I didn't come out with them. I was going to be adopted because I was so young--a year old. I was going to be adopted by relatives on my mother's side down in Memphis, Tennessee, and I went to live with them. Then my dad recovered his strength and came back as those relatives were trying to put through an official adoption. Father refused to consent to it and brought me out to California in 1902. His name, incidentally, was Charles Luling Barnes.

Fry: You were two years old then?

Barnes: I was not quite two, born in 1900.

Fry: So all your memories then are of California?

Barnes: Yes, except when I visited back there. From a political standpoint, it's interesting that my mother's father was a member of the Wisconsin State Assembly, the lower house, and the state senate, for several years, and then went to the United States House of Representatives, where he died in office about 1898. The elder La Follette gave his eulogy.

Fry: Who was that?

Barnes: Joseph Rankin, a Democrat, strangely enough--from my standpoint.

Fry: [Laughter] What was your mother's name?

Barnes: Janet Rankin.

Fry: That's very close to Jeanette Rankin, the first congresswoman.

Barnes: Very close. No relationship.



Fry: Was your father interested in politics at all?

Barnes: No. My father was a minister, and as such kept strictly out of politics. He believed that the ministry should not participate, except to teach the gospel. He was a revered figure in San Diego for almost forty years.

Fry: What was his church there?

Barnes: St. Paul's Episcopal Church. He was there, as I say, for some 39 years. Then my older brother, C. Rankin Barnes (class of 1912, California) succeeded him there for ten years.

Fry: Did your father ever remarry?

Barnes: Yes. That's why he wanted me back, because he was going to remarry. His choice was one of his parishioners, a high school teacher of Latin in Baraboo. My stepmother, the only mother I knew, was a very wonderful mother to all of her three boys.

Fry: What was her name?

Barnes: Martha S. Baker. And I have one younger brother, who of course is a half-brother.

Fry: And what's his name?

Barnes: His name is Charles Walthew Turner Barnes (Cal, '32), now a retired engineer--an expert in spectroscopy--living in San Gabriel.

Fry: Walthew?

Barnes: It's an old family name on my stepmother's side. The "Turner" was for an uncle who was for many, many years judge of the probate court in Milwaukee, of considerable local renown. Husband of my father's sister.

Fry: If you were in a minister's home, I would expect you to have many interesting visitors.

Barnes: Yes, as far as the clergy were concerned. Ministers are not very well paid, and our home was never one of lavish entertainment, except for visiting "firemen," such as bishops and missionaries and people of that kind. My father went into



Barnes: the ministry rather late in life. He and his family were the owners and principle victims of the 1893 depression in which the Bank of Manitowoc failed. He was the assistant cashier, and this was after he had been through college and was married. Are you really interested in all this ancestry stuff?

It was supposed to be a fine marriage, because--my father was then living in Manitowoc, Wisconsin, where his father, Calvin Cole Barnes, a Civil War veteran, was president of the bank, a financial figure in the community. My dad was, as I say, the assistant cashier. He married Janet Rankin. Rankin had no particular wealth, but was a leading politician of the area, so this was supposed to be quite a marriage! And then the Panic of '93 closed the bank, and it was then that my father decided to go into the ministry. So he went in at a comparatively late age. He wanted to be an Episcopal minister. He was strongly of the Anglican faith.

He couldn't afford to go to any Episcopal seminary, so he went to a local seminary of another faith (with special dispensation of the Bishop of Fond du Lac, there in Wisconsin), and then became a priest of the Episcopal church. That's how he happened to go to Baraboo; it was his second small church to care for before he came to San Diego. My brother, C. (Calvin) Rankin Barnes, who succeeded father at St. Paul's in San Diego later, became the executive secretary of the Episcopal Church for the United States, with the headquarters in New York. He was permanent secretary of the General Convention of the Episcopal Church of the United States for many years. He's now retired. He's a Cal graduate of the class of '12.

Fry: Class of '12? That was Earl Warren's class. Did he also know Earl Warren?

Barnes: He knew him, yes, as Pinky, but not intimately in any political sense.

#### San Diego School Strike

Fry: Well, what did you find most interesting in your school in San Diego?

Barnes: Well, I became enamored of football, and I think up to my graduation, I was the only man who had ever won letters in football and debate, when I graduated from high school. I was secretary of the student body and president of my class--you know, the usual thing.



Fry: You were the school politician, it sounds like.

Barnes: Yes, to a limited degree. Not as much as later at Cal. I don't want to get into this particularly, but I think it's interesting that I was a ringleader in what turned out to be, up to then, the only successful school strike that had ever been engineered, which resulted in the eventual recall of the board of education in San Diego.

Fry: Oh, is that right?

Barnes: That was in 1918. It's of some historical significance down there in San Diego.\*

Fry: You got the kids to go on strike?

Barnes: Yes. I pulled the buttons in the principal's office to call a school assembly in the stadium, and then we had the program engineered. We had the captain of the football team (Karl Deeds, who later played at Cal on the Wonder Team) get up and say, "We ought to do something about this." And then the vice-president of the student body said, "Well, we can't just protest--." This was all about the firing of several of the most popular teachers, the principal of the school, and so forth. It was purely a political deal. Fortunately we were on the right side. The newspapers supported us. We built this up until out of a student body of fifteen hundred, the most attendance any day after we called the strike was twenty-eight.

Fry: How long did it last?

Barnes: It lasted the last three weeks of my education at San Diego, from June 6, 1918, to the end of June. The school board declined to give us our diplomas. Then the board was threatened with court action about our diplomas and delivered them. Then later, the school board was recalled. The people recalled 3 of the 5 members of the school board and elected a reform slate by a 3-to-1 vote, on December 3, 1918.

Fry: How did you get your diplomas?

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\*See: The Journal of San Diego History, Vol. XX, no. 1, pp. 15 to 24a.





Barnes: Well, we didn't get any when we left, but they came along later.

Fry: After the recall?

Barnes: Well, not after the recall, but after the situation had simmered down a bit.

Fry: Did you save any clippings of that?

Barnes: Yes, I've got some clippings at home of it. They had large pictures. As a matter of fact, we put a big banner, the high school banner, across one side of our 1500-student protest line, and I picked two of the biggest men--Claude Bowman and Blake Ross (Cal, '23 or '24)--to carry the banner. We stretched it out, and I was walking along the line as the marshall for the parade of all the students in the high school, walking in orderly fashion downtown to the board of education office near Third and Broadway to make our demands, all of which I'm not too proud of now--this revolt against authority, you know!

Fry: Yes, I wondered what you feel about the kids who go on strikes now in our colleges!

Barnes: This is just between us, but I'll never forget my dad said, "Stanley, I just want to tell you that you cannot do this. You must go back to school." And I said:

"I can't do it." And he said:

"Well, then, I'll take you back to school." And I said:

"Dad, I also hate to say this, but if you do, I'm just going to have to put you down on the floor and sit on you." [Laughter] And so he capitulated.

Fry: You were the football player, after all!

Barnes: That's right. He was a conservative individual, very kind and very righteous. Not holier-than-thou at all. When he was buried down there, the newspapers remarked that everybody from the mayor and city councilmen to the bartenders attended his funeral. Everyone respected and liked him, because of his refusal to get involved in politics, particularly on the "wet and dry" issue, which was very hot at that time.

Fry: Oh, Prohibition, yes.



Barnes: He never touched a drop himself, but he didn't think that anybody ought to make it a religious issue as to whether one should or shouldn't, unlike some of the other ministers. He was a great character, my father. A very much loved man. Even now--I mean he's been dead thirty years--"Oh, you're Reverend Barnes' son. Yes, well he was a great man." It's very comforting.

He died of a heart attack in 1941. He died kneeling on his prayer stool in his bedroom. He was very hard on himself when it came to the work he loved.

He was what you call the dean (of the Los Angeles diocese) for the Convocation of Imperial Valley and San Diego counties. And he'd get these little churches started out in the outlying areas, and frequently go out there to hold a service. It was to be at a certain hour. He'd start the service whether anybody was there or not. That was their business if they weren't there, but it was his to start the service.

One story I love to tell about him: when he had this heart condition, I was practicing law in Los Angeles, and I was doing a lot of malpractice defense and knew a great many doctors well. When Dad was in Los Angeles on church business, I had one of my doctor friends examine him, Dr. Verne Mason by name. He was a great heart specialist. And he said, "Yes, he's getting the right medicine. He has to take this glycerine, but he should take it in a little stronger dose, because it will give him that much more freedom from pain. So I ordered it and sent it down to Dad. I asked him a month later how he was getting along on the new medicine.

"Well," he said, "it's very good, but to tell you the truth, I haven't quite used up the old nitroglycerine, and as soon as I finish that, then I'll start the new." [Laughter] You might say he was, well, thrifty! That's how conservative he was on financial matters. Of course ministers never had very much money to throw around.

Fry: Yes, I guess he had to learn that. It must have been a big jump for him, from a banker's son to a minister.

Barnes: It was. He had to be completely sold on his faith, on his religion, on his goal in life, to do it.



University of California Wonder Team

Fry: Well, how did you manage to make it at Cal? Did you have to work?

Barnes: Yes. My mother had left her estate to her two boys, which was very small. It was about \$2,000 for each of us. My dad had invested it and lost it, investing with a vestryman of his church who was supposedly a financial genius. So, he was determined when we went to college that he would pay this back. And he did pay it back. He took receipts for this fund that didn't exist. But he put us through. I worked during each spring semester while I was at Berkeley to help out, because \$2,000 doesn't last very long on two and half years of college.

Then in my junior year, I told him I was twenty-one and I wanted to stand on my own feet. I worked the rest of the way, and through law school.

Fry: What sort of job did you have?

Barnes: Well, I did everything. I was a boys' work secretary at the San Francisco YMCA, athletic director at a summer camp, swimming instructor, football coach, worked the Moore shipyards in Oakland. I stevedored many, many hours, including even breaking strikes (when you got more money, you know. You'd have to dodge the regulars along the Embarcadero).

Fry: I'll bet. You didn't get hurt?

Barnes: No. Some of the boys I was working with did, but I never did.

Fry: Which strike was that?

Barnes: It was the San Francisco waterfront strike. It involved a great deal of violence. We used to get into automobiles up at the Southern Pacific building and they'd take us down to the waterfront under police guard. We'd go on to the docks, especially the Matson docks, and they had those barricaded pretty well. At midnight--we worked nights, by preference, to make as much money as we could--we'd dogtrot over to the Southern Pacific station at Third and Townsend Streets and get our meal there, and then dogtrot back with a car in front and one in the rear with men carrying rifles and shotguns. It was very exciting!



Fry: This was about 1920?

Barnes: Before that--1919. There was quite a bit of trouble. Yes.

I remember one time we went out to unload a ship of dynamite. We got quadruple pay for that. That was great. A lot of the boys who played football stevedored. This was before the days when you got any financial inducement and scholarships for football. There was no tuition to amount to anything at Cal in those days. And you got no inducements at all. You just played because you loved the game. We went both ways, you know: offense and defense. That's one of the reasons that made the '20 team a great team: all those hard-working individuals.

Fry: That was the Wonder Team.

Barnes: Yes. Right up there at the top, national champions in 1920.

Fry: What created the Wonder Team as a great team?

Barnes: Well, one of the reasons was that this was the first team that came along after World War I, and a lot of us had been in the service. They were a little rougher, a little tougher, a little better able to handle themselves and their opponents than the average freshman coming into college.

Fry: But I should think other campuses would have that, too.

Barnes: They did. They did. But, you see, Nibs Price (Clarence Merle Price, Cal '12--there's that '12 class again) who later coached at Cal, was our high school coach down at San Diego. In 1916 San Diego won the state title in football as well as in baseball. It was second, I believe, in basketball, all under Nibs. He had great teams, was a wonderful man, and a gifted coach.

We had what was then a large high school: fifteen-hundred students. There are many of them now that are much larger. Also a great team at that time was Manual Arts High of Los Angeles, which we had to play twice in 1916 to prove that we were better. But they had a large school and a great team. Well, there were seven of us from San Diego that went up to California. That was the nucleus of the Wonder Team of '20, joined by several men from Manual Arts--Jim Blewett, Dan McMillan, Bob Berkey, Charlie Erb and Charlie Toney. You see, at that time Northern California high schools did not play American football. It was only after World War I that they got away from rugby. But Southern







**STANLEY BARNES—**

*Member of the National Football Hall of Fame; tackle on the 1920 Wonder Team; member of the 1921 and 1922 Rose Bowl teams; and a four-letter winner—football; currently Judge, United States Court of Appeals for the Ninth Circuit.*



- Barnes: California never switched over. We played American down there. So with this nucleus, we were a little better coached and trained for American football when we went up to Cal than Northern California players. That was why there were practically none on the team from Northern California.
- Fry: I see. That was when Judge Walter Gordon [later chairman of the Adult Authority; governor of Virgin Islands] was playing football, too.
- Barnes: Well, his last year to play was 1918, which was my first year. We played, trading positions. In other words, on offense Walter was a running guard, and on offense I was the center. On defense, I switched to guard and he switched to center to back up the line. That's where our very close friendship started, because we were alternating in these two positions. And then, of course, Walter later coached for many years at Cal.
- Fry: Yes. He was coaching when you were still on the team. Is that right?
- Barnes: Yes, he coached. I can't tell you the exact years because he was there almost every year, but not quite. But he coached or scouted for probably twenty years there at Cal.
- Fry: And you were on the team when he coached, right?
- Barnes: I was on the first team when he played. Then I was on the team that he helped coach--for three years, as a matter of fact. Our friendship was such that he spent a lot of extra time coaching me. I was All-Coast center my freshman year, and that's practically unheard of. My brother, who had been at Cal, said, "Well, you won't be much good after this because you'll be pop-headed." And I said, "Oh, not me."
- Fry: Because you'll be what?
- Barnes: Pop-headed. You know, you think you amount to too much, which is exactly what I did. I thought I was a great star when I was a sophomore, and while I played each game, I found that I wasn't starting the last game of the season, and that was against Stanford. (And that was the only game I didn't play in for Cal in four years!) Finally, Walt Gordon and I got together in 1920 and Walt said, "Take the tackle job and we'll get you on the varsity again." So he worked with me and I worked very hard. We both



Barnes: decided that if I didn't get on the varsity, somebody was going to get hurt in the process. After battling neck and neck with my good friend Jimmy Dean, I finally got to start the Stanford game in my junior year, as a member of the '20 varsity.

Fry: And you remained as tackle?

Barnes: Yes. I played tackle my last two years.

Fry: What was the name of the head coach? Smith?

Barnes: Andy Smith.

Fry: What did you think of him?

Barnes: Oh, he was a great person. He was a Neanderthal type of man, as I've often said. He loved a man who would fight his heart out. He didn't care about anything else. He wanted to know who were men and who weren't. He found out as soon as he could by exhausting physical procedures. I won't go into all of them, but some of them were pretty dramatic.

Fry: Oh well, give us one example.

Barnes: Well, he made a mistake, as he later admitted, in 1919. We played the Olympic Club, and we beat them--I think 12 to 6. We played them a week later when another opponent failed to show up. We tied them 6 to 6. So Andy was disappointed, so he decided that he would find out who were men and who were not. So the varsity lined up on defense, at about the fifteen yard line, and he put in the first freshmen against us, trying to score. Well, there was a great freshman team that year. Brick Muller was on it, from San Diego, and Bob Berkey and Webster (Fat) Clark and Jimmy Dean and several of the boys that later became great players on the '20 team against us. Then he would bring on the "goofs", or third team. He had a coach behind every man on the varsity urging us on and giving us hell. We were "blown". We didn't take any time out; we didn't take any rest; and he was bringing fresh people against us all the time. It was the only time in my life that I ever really sincerely prayed that I would break a leg or an arm or something so I could get out of that.

Finally he called out, "All right, Cort" (this was Cort Majors, Cal '21, captain of the '20 team). "You're okay; you go on in." To the dressing room. And he put in a chap named Hewett at Cort's guard spot. Well, Hewett had been on the sidelines.



Barnes: He'd scrimmaged against us, but he'd been on the sidelines under a blanket, and he wasn't quite warmed up again. When these two lines crashed together, he was out cold. Andy took hold of his arms and the old California rugby captain, Johnny Stroud (Cal, '13--played rugby '09, '10, '11 and '12) took hold of his legs. They were about ten feet from the sidelines, and swung him out. "Get another man in here!" Andy yelled, so we don't stop this crescendo of practice. A couple of guys got hurt a little badly. Andy later admitted that it was a mistake, but he did find out who had guts.

Fry: Who had the most endurance.

Barnes: Yes. I was the second man he let off, and I always relished that fact.

Fry: [Laughing] I bet you were thankful too!

Barnes: He was a hard task-master and, to be completely frank, he liked to hit the bottle in later years. But he didn't let it interfere with his coaching. As a player, I never saw him intoxicated. As a coach under him--that was different. He was a great personality. You would die for him. If you could attend one of the reunions of the '20 team, which we have every year the day before the Big Game in San Francisco (tomorrow noon, as a matter of fact (Nov. '72) will be the first one I've missed since they've had it, because I'm leaving on this trip) to hear the remarks about old Andy, and what a man he was.

You know, when Jack London died, one of the old sea captains that had sailed with him in the South Pacific wrote to his widow and said, "By the great whales of Tasman, there was a man!" You could say the same thing of Andy. A great character. Absolutely indomitable. There was a great lot of sense to his drive, in that he emphasized and taught cooperation, concentration, analyze yourself before you blame others, and doggedness. Never quit. Never give up. And, as he used to tell us, "If you use those same qualities when you get out of school, you'll be a better man for it. You'll get somewhere." He lived by what he believed in. A great man!

Fry: It sounds like it was a large education right there.

Barnes: No question about it.





Campus Political Leadership

Fry: What did you do in campus politics?

Barnes: I don't know why you want that.

Fry: It's important as background for your later activities. We have a gap; we know what you did in high school.

Barnes: All right. You always make a lot of new friends when you get to college. And I did. Particularly in the fraternity house, but outside as well.

Fry: What was your fraternity?

Barnes: Sigma Chi. I was head of my house in college. I have been president of various alumni chapters, and I was national president from '52 to '55. I'm still on the board of directors of the Sigma Chi Foundation, a non-profit, three-million dollar corporation. But I was always intrigued by the cabal in British history, and after my freshman year I found that one of my closest friends was a chap named F. Whitney Tenney (Cal, class of '22). He and I, as sophomores, sat down and talked about politics on the campus, some of the things that we were not happy about in the classes above us. And we decided that we would join our efforts and unite our political instincts, and then we decided after a few months that we'd invite a chap named Ed DeGolia to become a member of this group of three. We felt that, while we might have some different ideas, with the three of us in there, he and Tenney and I could pretty well control what the situation was--what the outcome might be--as far as any decisions that were made.

Later on that year, in our sophomore year, we invited three others to join us. I should say first that fraternities were strong politically in those days. I was in Sigma Chi, as I said. Whit Tenney was an ATO [Alpha Tau Omega], Ed DeGolia was a Theta Chi. We then invited Frank Bartlett, who was a Phi Delta Theta, and Carl Wakefield and John Otterson, who were two members of Phi Sigma Kappa.

That was six. Each one of us had a different group of friends in the fraternity houses except the two men in the same house. We decided we'd stick together and see what we could do. Those six held the following offices: The first job was the



Barnes: presidency of the junior class. That was the big class-officer job, you know, the biggest of the presidencies, which I ran for and was elected. Whit Tenney was elected editor of the Blue and Gold. Ed DeGolia was elected manager of the Blue and Gold. Frank Bartlett was elected editor of the Daily Californian one semester in our senior year, and Carl Wakefield was elected editor the second semester of the senior year. We had John Otterson head of the rally committee. We had a majority of us on the student disciplinary committee--then called the Student Affairs Committee. And the senior year, Whit Tenney and I tossed a coin to see who would run for president of the student body, and he won, so I managed his campaign and he was elected president of the student body. So the six of us pretty well had things under control.

Fry: Those English had an idea that worked.

Barnes: Yes. And we had gals that we knew and liked, and we worked through their sorority houses, through them, you know. So we put Eileen Taylor (Eileen Taylor Marguadson) as class president in the second semester of our junior year. We put my fraternity brother, Brodie Stephens (who played on the Wonder Team), in as president of the senior class. When we didn't have anything to do in the way of a weekend, and it looked kind of desolate, why, we'd organize a dance with some organization we had pretty good influence in, and have "comps" for the dance, you see [laughter].

Fry: And have what?

Barnes: Complimentary tickets for the dance, because we ran the affairs. One thing I insisted on: we never tried to extend it beyond our own class. In other words, we didn't try to bring anybody along from the class below us. It was just our own group.

Fry: You were all in the same class?

Barnes: Yes. The '22 class.

Fry: Was Helen MacGregor [secretary to Governor Earl Warren] in your same class?

Barnes: I think she was '21.

Fry: What was she like as a college coed?

Barnes: Well, I didn't know her too well in college.

Fry: I certainly respect her; that woman has so much sense.



Barnes: Yes, she has. She was always a great person, and she was always well-liked.

### Law School and Coaching Football

Fry: About the rest of your education, what did you go to college thinking you were interested in? Did this change?

Barnes: I thought I would like to be a chemist, at first. No reason. I took law because I felt I had some ability to speak on my feet.

Fry: Your debating experience--

Barnes: Yes. So I took law in my senior year at Cal. You could do that in those days. I took my first year of law when I was still playing football as a senior at Cal. I don't think that was a good thing. Although I had never flunked a course, I had never worked very hard in my courses. I didn't study as much as I should have to soundly prepare myself for my later work.

You're getting a biography of me, not of Earl Warren.

Fry: Yes. We'd like to get some of your biography, too. That's California history also.

Barnes: In my first year of graduate work (1923-4), I coached the '26 freshman team. I was head coach of the freshman team, and "Crip" Toomey coached the backfield. And again, I was paying more attention to football than to law. My freshman team still holds the record against Stanford: 54 to nothing.

Fry: Wow!

Barnes: On that freshman team at Stanford was Ernie Nevers, who became quite famous later. We had expected to have him at Cal; he was all ready to enter until various influences sent him elsewhere.

Fry: He was the Stanford great.

Barnes: A great All-American, both in college and as a professional player. All I know--all I know personally--is as a freshmen coach, I and others in my fraternity house rushed Ernie. He lived up at Santa



Barnes: Rosa at the time. We took him down to Cal. He wanted to come to Cal. He pledged Sigma Chi at Cal, which was a definite commitment. You see, Cort Majors, Pesky Sprott, Brick Muller, Brodie Stephens, Karl Deeds, Dutch Eells, Karl Engebretson, and I were all Sigma Chis. We had quite a household of athletes, and we liked Ernie and he liked us.

Well, Ernie's family were farmers, and they had some financial problems. I don't know the details about that. I heard some pretty well-authenticated stories. Just let me say-- he ended up at Stanford.

Fry: With a bigger scholarship?

Barnes: There was no scholarship at Cal; we didn't have scholarships in those days.

Fry: Well, along about this time you must have met Earl Warren for the first time.

Barnes: I didn't meet Earl, to my knowledge, until I think it was my first year out of college. It might have been when I was a senior. With football in the afternoon, I had to do all my studying at night. My first recollection of meeting Earl and knowing him was when he would bring some of his work from the district attorney's office up to Boalt Hall at night or on weekends--on Sunday--and study there. He was always very much interested in football, and he and some of the professors there like "Captain" Kidd, would get me talking about what the prospects were, and how these different players were coming along, and what our new players could do. That was my first contact with Earl.

Fry: Oh, and that was after he became district attorney of Alameda County?

Barnes: Not even an assistant district attorney, I don't think. He was just low man in the office at that time.

Fry: Did you talk with him very much about his work at that time?

Barnes: No, not particularly.

Fry: It was mostly football?

Barnes: Yes. Mostly football.

Fry: You went into law practice then, is that right, when you got out? Or what happened first?





Barnes: Yes. Well, you see, I flunked a course because I went up to coach a Northern California high school team for the Northern California state semi-finals, up at Willows. I got a thousand bucks for doing that, which was big money in those days. I couldn't turn it down very well, and as a result, I flunked this course. We had two mid-terms in the fall of '22, and I asked the two professors if I should try this coaching job while out of class for two weeks. One of them, Professor Costigan, said, "You can't possibly pass my course if you take two weeks off and go up there." The other professor said, "Well, you've done pretty well. I think you could pass it." So of course, what happened? I went up and studied like the dickens on Costigan's course, and didn't pay much attention to the other one, on partnerships. So I passed Costigan's and flunked the other one. That was the first course I ever flunked in my life. It was very distressing.

Then I got into a very bad crap game at the Berkeley morgue. I quit college because I didn't have any money. I shipped out around the Pacific for a while and determined whether I would come back and coach at California in the fall. I had been named assistant varsity coach under Andy and Nibbs. That's when I decided that I either had to be a football coach or, if I wanted to follow law, I had to give more attention to the study of it. That's when I decided to go back to Harvard Law School. Several of my friends were back there, including Whit Tenney. It was quite popular in those days for graduates at Cal to take their middle year back at Harvard. In those days, Harvard would not give you credit for work you had taken at Cal, but Cal would give you credit for work you had taken at Harvard.

Fry: Oh, is that right?

Barnes: So I went back to Harvard Law School, the law year '23-'24, and took what they called a special course there. Yes. "Special student." I was of the class of '25. Then I came back to Cal and graduated in '25, taking my last year of work at Cal.

### Beginning the Practice of Law

Barnes: I was going back to San Diego where I had a job offered me-- in fact, two job offers. One with the Electric Railway lawyers,



Barnes: one with the district attorney. I had a chance to come to Los Angeles with the then Gibson, Dunn and Crutcher firm, but I wanted to stay in San Francisco. I had no entree there whatsoever.

One day, Dean McMurray of the law school said, "Where are you going to practice, Mr. Barnes?" and I said, "I'd like to practice in San Francisco, but I have no contacts." (Legal jobs were scarce in those days.)

"Would you like to go over some day with me and see some of the firms?"

I said, "Indeed I would."

The first firm we visited was Dunne, Brobeck, Phleger and Harrison in the old Crocker Building, where Dean MacMurray had been associated in the writing of the brief on the community property cases in the U.S. Supreme Court arising here in California. I was introduced to Herman Phleger, who had been a football player at California (rugby) in '11 and '12. He hired me. Gave me my first job.

That was a prestigious firm, had a lot of big clients, and was my first glimpse of how big firms operate. The Dunne of the firm, Peter F. Dunne, had been the former United States attorney in San Francisco. He was a great, eloquent jury lawyer. His speech to the jury in the so-called U.S. Mint case in San Francisco is contained in Hicks' Great American Jury Speeches. I learned a few things about trying cases from him. Not by conferring with him, for we only said "good morning" to each other, but by observing what he did, as an example. Are you interested in this?

Fry: Yes.

Barnes: He was a prodigious worker. Before he went into a trial or an argument, he had an office this big with books all over the floor, so you would have to tiptoe around to get the book you wanted and to go back to your desk. He'd have maybe eighty, ninety books there. As a result, he knew the law when he went in to trial. He was prepared.

When he tried a jury case, he did something that I thought was quite unusual and remarkable, and it worked. (I used it later when I was trying jury cases.) He would pick up a peculiar word



Barnes: or phrase--one not well-known to the average individual sitting on a jury. In those days, a lawyer wrote his own jury instructions, submitted them to the judge, and he gave them if he thought they were proper. And Mr. Dunne would include this word a couple of times in those instructions that were favorable to his client. That word would stick out like a sore thumb when the judge gave that instruction to the jury. Then he'd argue the case and use this same word. And the jury would think, "Well, that's what the judge said. Mr. Dunne must be right!" You can't pick too wild a word, but you can pick one that's just a little bit different. Instead of saying "odor," say "effluvium." That was the idea of it. Just an example of little things.

Fry: So then the jury would associate that concept with the judge--

Barnes: With the judge approving Dunne's side of the case. And it worked. The jury usually wants to do what they think the judge wants them to do, if he ever discloses that. That's why you have to be so careful as a judge not to favor either side, even by innuendo. It was also good training for me being a judge, to be aware of that, to be careful in any observations.

In 1926 Mr. Dunne, his son, Arthur, and John Elliot Cook\* left the firm after I had been there six months, and it aided me because I rose a little more quickly than I would have otherwise; but I still wanted to try cases. I thought that was my best ability. I was working under Herman Phleger and Gregory Harrison, and again I learned a lot, but in a different end of the law--corporate finance, the organization and dissolution of corporations, drawing up directors' meetings--minutes--preparing trust indentures. I didn't like that, and so I decided I would come down to Los Angeles where I had a chance to get into trial work, which I did. In February, 1928, I came to Los Angeles. I had practiced '25, '26, '27: two and a half years in San Francisco.

Fry: Yes. With the Phleger firm?

Barnes: Yes. Then I came down to Los Angeles with Lucius K. Chase, a lawyer practicing by himself. Lucius F. Chase, his son, (Cal '23) had been with me both at Cal and at Harvard Law, and he had always wanted me to come down and go to work with him, so

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\*Arthur Dunne, (Cal '21); John Elliot Cook, (Cal '20 or '21).  
Barnes' note.



Barnes: I came down. After I worked with them for ten months, we organized the firm of Chase, Barnes and Chase, on January 1, 1929. Later, we were joined by Ransome W. Chase (Cal '26). Our partnership lasted until I went on the bench in late 1946. And a very happy partnership it was.

Fry: What kind of cases did you have in the Chase firm?

Barnes: I mostly represented insurance companies in automobile personal injury cases, to start with. Then it later developed that I had something of a reputation as a fighter, or should I say as a "vigorous advocate," and I'd get cases referred from other attorneys. Some that I didn't like, such as contested divorce cases (where the money was so "sufficient" that I couldn't very well turn it down). And then I became interested in malpractice defense, and in my last few years of practice, I was doing a lot of malpractice defense of doctors and hospitals, and a few plaintiffs' cases, to keep my finger in on that side of it. And I always tried to keep a few corporate organizations going, and a few probate cases. But I was primarily a trial lawyer.





## II THE CALIFORNIA REPUBLICAN ASSEMBLY

### Origins

Fry: Was it in this time that you became interested in the bar association?

Barnes: Yes, I was interested in the bar association.

Fry: Did you get active in that right away?

Barnes: Not right away. Yes, as soon as I came down to Los Angeles I was. I was a member of various committees, disciplinary committees, and things of that kind. I was a director of the Los Angeles Bar Association when I went on the bench. I became a little interested in politics, but never with the idea of running myself, but trying to put the right man in.

I've been thinking since we last talked about this. You know, I think one of the principal supporters that Earl Warren had, as an organization, during his various forays in office, was the California Republican Assembly, which did not represent the money but represented precinct work (both of which are essential to any political organization). That started really from a group in Southern California. It's unique in California, the California Republican Assembly. It started from a group of Junior Chamber of Commerce individuals, who were getting to the age where they wouldn't be eligible as Junior Chamber of Commerce members, you see. I never joined the Junior Chamber of Commerce because I always wanted to take part in the senior chamber. (I was trying to assume maturity that perhaps I didn't have.) But most of those chaps were in my age group, and I could see some of the friendships that formed there, pursued down during the years, which led to the Republican Assembly organization on a state-wide basis in 1934. Prior to that time it had been organized



Barnes: in Los Angeles, largely from this group of Junior Chamber of Commerce--

Fry: It started in Los Angeles?

Barnes: Yes. And one of the leading persons, and a person that you should interview if you want to get the detailed background of the Republican Assembly, was Robert F. Craig. Robert Fenton Craig, who was a professor at USC, and recently retired. His name will occur later.

Fry: Was he in this Junior Chamber of Commerce--?

Barnes: Yes, but not as an officer. He was too recent an arrival in Los Angeles. In that group, locally, there was Lew Anderson, a lawyer here who succeeded Earl several years after as Grand Master of Masons in California. That of course was a great influence in Earl's political activity. I don't mean that in any wrong sense, because it's not a political organization, but to attain stature in the chairs of the Masons-- Yes. I just mention his name. And then a large number of individuals: then there was Allerton Jeffries, head of the Young Republicans during the Hoover campaign in 1932, and LeRoy D. Owen, Ronald Button, Gerald Toll, Durward Howes and Franklin Donnell, who was one of the few to have some access to finances through representing wealthy interests. And there was Howard Mills, who was the Los Angeles representative of Lionel Edie & Company, the financial advisers. Howard ran, for many years, the Liberty Bond drives in Southern California. Later, there was Luther Anderson (who represented the Seeley Mudd family), and Roy Crocker, and there was McIntyre Faries (who came along a little later).

And of course, Robert F. Craig, who, with Ed Shattuck, had probably more to do with the ultimate state-wide influence of the Republican Assembly. He came to California as a young attorney out of Nebraska and joined Ronald (Ron) Button (later to be state treasurer) in the practice of law. In the early 30's, having little business, Ron ran for state assembly against Ed Shattuck, then an assistant district attorney of Los Angeles County, and Los Angeles County Sheriff Traeger. Craig managed Ron's campaign. Certain people in Los Angeles County wanted Eugene Bezcalluz as sheriff, not Traeger. Traeger won. Immediately, after their losing battle, Ed Shattuck and Bob Craig became friends, and they decided to work together.



Barnes: In an attempt to make the Republican Assembly a state-wide organization, they finally raised enough money to employ Bob Craig as an executive secretary. (The finances came largely from two ardent Hoover supporters, Henry Robinson and Harry Chandler.) I think Del Reynolds was the contact man between the finances and the assembly. Bob Craig went around the state in the early part of '34, trying to get C.R.A. organized on a state-wide basis, with Republican Assemblies in various localities. Through the Junior Chamber of Commerce, he knew Bill Reichel and Bill Knowland up in Oakland. As a matter of fact, he went to Bill Knowland to get the contact with Junior Chamber of Commerce individuals in Northern California. And Bill could open the door there because he was active in Oakland and well-known in San Francisco, where Chester (Chet) McFee was active.

Then Bill Knowland's good friend (and classmate at Cal), Ray Robinson, was a lawyer down in Merced, and that was a Valley entree. And then at Visalia, there was Sherrill (Sherry) Halbert (now a judge, by appointment of Earl Warren and Eisenhower) who had been a great friend of Ed Shattuck, as well as mine, in college.

Fry: Were these mostly college friends?

Barnes: A lot of them were. They were mostly from Cal. As a matter of fact, I think that's one of the reasons that a lot of us felt close to Earl, because of the loyalty to alma mater. I was noticing the people that Earl took with him when he became governor. Bill Sweigert was not a Cal man. Neither was Verne Scoggins, I don't think. But Helen MacGregor was, and she was probably as close to Earl as anyone was, aside from the Knowlands. I knew Helen in law school. And then, of course, Earl appointed Charles Wollenberg, Sr. to a state office, and Albert C. Wollenberg, the son, is now on the federal district court in San Francisco. Both Wollenbergs have been close to Earl during the years. Al was in law school with me. And Ted Westfall, who Warren, I think, took from the Alameda district attorney's office to the attorney general's office in Sacramento. And as I said, Helen MacGregor and Tom Coakley and all that Alameda group knew each other slightly, or well, at Cal.

And then in '34 there was this fight, you see, between those in the North, who always wanted control and were more powerful then by population than they are now, and those in the South



Barnes: who were the originators of the C.R.A. plan.

Fry: For control of the C.R.A.

Barnes: Yes. And finally Craig, through the Knowlands, got the green light to go ahead. Arthur Dunne, of San Francisco, was active then. And so as a compromise between north and south, they put Sherrill Halbert from Visalia (halfway between) in as first president of the California Republican Assembly.

Fry: Oh, I see.

Barnes: That's the state-wide organization. And then Ed Shattuck of Southern California, you see, went in as the second president, I believe.\*

Fry: I hope you can tell me more about Ed Shattuck, because unfortunately we had to wait too long before trying to talk to him.

Barnes: Well, do you want that now? I was pretty close to Ed.

Fry: Why don't you stick with the C.R.A. story now, and then we'll go into a number of these people that you know. Better organized.

Barnes: Yes. Then, active at that time was Wat Brown. He was from Southern California here. He represented the Santa Barbara area and later Pasadena. Worth Brown came in from Santa Cruz. Worth was about the sixth president of the state-wide organization. Then it came down here to Bill Campbell, a lawyer, who was a great Southerner who was out here and had the old Southerner's idea of politics, but strangely enough was a Republican. And then Bill Reichel--it went up north, you see--who was close to Warren and to Bill Knowland.

I'm not going to keep on going on these. Finally it got down to Carlyl Lynton. He was a great character who later completely disappeared. He went down to Mexico and no one knows what happened to him. He was president from '43 to '44, which was an important time you know, for Earl, and so forth. He was close to Earl.

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\*I enclose [as appendix material] a list of presidents of the Republican Assembly from 1934 to 1958. Observe how the compromise worked out--a man from the Valley, then the south, then the north, etc. Barnes editoria note.





Barnes: Then there was Bill Troyer from up north, from Santa Cruz I believe --active, but not a president.

Murray Chotiner was a state-wide president.

Support for Herbert Hoover

Barnes: A lot of Hoover's friends wanted to put Hoover back on the national scene. They couldn't believe that he couldn't beat Roosevelt. That was the cause of an awful lot of trouble here in California. A lot of people--for example, I personally revered Hoover. I thought he was a great man, but that doesn't mean he was the man to stand up in front for everyone to see in a political campaign during those years.

One of the first things that the Republican Assembly did in working with Hoover, and with Henry Robinson, who was president of the Security National Bank here, and was one of Hoover's great supporters--the assembly tried to get Hoover back with Ben Allen, who had been his publicity man at the White House. I believe they'd had a falling out.

Fry: They tried to get them together again?

Barnes: They tried to get them together and did. Then they had a great speech by Hoover down here, and he was going to make a great comeback. They got Allen to write the speech, and it went over fine, but it really wasn't Hoover speaking, you see, at that time, although Hoover had mellowed an awful lot. He was an entirely different man in his old age. A very wise man--and a very fine man.

Fry: Was this when Hoover was head of the Republican National Committee?

Barnes: I can't say for sure.

Fry: What was his particular position at this time?

Barnes: I don't think he had an official position. Of course he wanted to run again for President. He wanted to vindicate himself. But this Republican Assembly got into the act by getting Allen, by



Barnes: deciding that there was something lacking in Hoover's speeches, that didn't get over with the public, and bringing Allen back. Thinking, "Maybe that's it," and getting him back. When they met they threw their arms around each other and all was forgiven, you see. Which is an interesting sidelight as to how sometimes those things happen.

You asked in your memo here whether the Harrison Call that I mentioned was related to Asa Call. No. No relationship whatsoever. Harrison Call was a man who came in much later, in Nixon's time.

Fry: Oh, I see.

Barnes: He was active in the Republican Assembly too, but it was a later time. Asa was earlier, and he was formerly head of Pacific Mutual [Insurance Company]. He was involved with Hoover's "Circle Clubs," which came along about four years after this original effort to get Hoover started again. John Mott was a great leader in that and a supporter of Hoover in that Circle deal, as well as Inga Bull, who was later chairman of the Los Angeles Republican County Central Committee, and was very active. Later he was appointed to the bench, and is gone now. Asa Call is still around.

Fry: Yes. We probably should talk to him.

Barnes: You should!

Fry: How did he feel about Warren?

Barnes: That's something I can't tell you.

During all this working around, why, in the '36 presidential election--that's when Landon was going to run--the Republican Assembly organized and raised enough funds to make their own poll of California voters. They became convinced that Landon didn't have a chance, that California was going to go Democratic. There was always this pull between those with the money, who were contributing money, and the California Republican Assembly which was willing to go out and work but didn't have the money.

Fry: It seemed like you had some pretty well-heeled people in it, though.

Barnes: Well, who would you suggest?



Fry: Well, let's see. At least you just gave me the names of some financial wizards--

Barnes: Yes, that's right.

Fry: Howard Mills?

Barnes: But he was not wealthy himself.

Fry: Franklin Donnell. But they weren't holders of the money?

Barnes: No. That's right. They had the contacts, and that's how we got what little financing we had, but they weren't the men, you know, that could write out a check for twenty-five thousand. They could go to Spaulding out in Pasadena--he used to contribute thousands to most campaigns that came along. Well, that was Christmas if anything like that ever happened to the Republican Assembly. We got ours in tens and twenties, and I mean dollars, not thousands.

Well, with that prognostication, the Republican Assembly actually suggested to somebody, to the representatives of the national committee and to the organized Republican bigwigs, that they not spend the money that they had anticipated spending, to save it for the legislature, for state office, and some of those things, you see, or for representatives in Congress. But not for president in view of a situation which was so much against Landon.

When it turned out that way--as the poll predicted--I think that gave a great deal of prestige to the Republican Assembly.

Fry: Well, when you first started out, what did the powers-that-be in the state Republican committee think of it?

Barnes: They said, "Fine, boys, you go right out to work. You hit the precincts, you hit the doorbells, and we'll supervise it and tell you what to do, you know, and if we can give you any money we will," and so forth. Very condescending. I don't mean there was anything wrong about it, it's just a pattern that frequently occurs in politics.

Fry: But there wasn't an open fight?

Barnes: Oh no. No. No real open fight, no. Then that brings us down to these Circle Clubs, you see. I think the Circle Clubs were in '36--



Barnes: that was a national election year.

1938 Election: Warren's Campaign for Attorney General

Barnes: But meanwhile, in '38, there was a state election, you see. Up to that time, there had been a good deal of division among the different members of the Republican Assembly on who they'd support for office. There had also been a reticence on the part of the assembly to make any pre-primary endorsements. And then in '38, that was the time that [Culbert L.] Olson went in, I believe.

Fry: As governor.

Barnes: And Earl went in as attorney general.

I think I told you before [off tape] that Earl had come down to talk to me prior to the time that he ran, and discussed the possibilities for any financing and any support down here in Los Angeles. He came to my office, down in the Title Insurance Building, and we sat there and talked about what the possibilities were, and where he needed help. He felt that he was strong up north but that he was not known down here. We discussed his various friends and Knowland's friends that were down here. The Republican Assembly was a natural for Earl because of the contacts through Knowland. Of course, all the time behind the scenes, there was Knowland-Cameron-Chandler: the triumvirate of newspapermen working against Hearst and some of the others. The papers would be split.

We did have a problem here in Southern California because the Hearst papers here were largely outside of the publishers' own personal preferences, dictated to by the old man himself in those days. So they'd all go one way. The Los Angeles Times was always a little difficult because we could never get Harry Chandler to commit himself. He'd always have his political editor say, "Yes, we'll support you, but of course I'll have to take it up with Mr. Chandler for the final say." There was always a veto in the background, even up to the last day of choice. You never knew where you were. It was very unsettling.





Barnes: I was not active in the Republican Assembly when it first got started. Not till about '38, when I handled Jimmy Rolph's campaign in Southern California merely because we were casual friends in college. Jimmy was a great person, but had little to offer except the image of his father, a popular politician. That was not too easy a thing to sell. Jimmy's idea of campaigning was to visit every county in the state. Well, if he had spent half the energy that he spent going to Alpine and Trinity counties in Los Angeles County, he might have done a lot better.

Fry: Yes. The votes were here.

Barnes: Yes. But at that time there was a politician in California, a Republican by the name of Gerry Seawell. Gerry Seawell thought that Olson, the Democrat, would get the governorship in '38. He didn't think Merriam could be re-elected, but that if he (Seawell) would get the Republican nomination for lieutenant governor, he would be the heir apparent on the Republican side, you see.

Well, the Republican Assembly wouldn't take any pre-primary stand because there were some that wanted Seawell and others wanted Dr. Walter Franklin of Santa Barbara. Then Bob Craig became campaign manager for Southern California--for Dr. Franklin. In the splintering of the vote for lieutenant governor for the republican side, Franklin beat Seawell. It was a political upset. But it didn't mean anything because Olson went in with Patterson as lieutenant governor at the election.

I should say that all during this time there had been a group that was strongly--what you might call today liberal Republicans. Not in the sense that we speak of liberal Democrats now, but liberal Republicans. And Ray Haight was their great champion and leader. Ray had a lot of Junior Chamber of Commerce support, and he had divided support in the Republican Assembly. He had his partners, Arthur Syvertson and Oscar Trippett (who flew to his death out in the Pacific in World War II)--very able and smart lawyers working with him, not to mention the newcomer. Haight had a lot of influence with the organizations in Los Angeles County. And he had a group of fellows that had been rather cold toward the [Republican] Assembly because it wouldn't come out and support Haight.



Barnes: Among them were Maynard Garrison (later appointed by Earl as Insurance Commissioner), whose name I think I mentioned, and Sid Laughlin. They were good friends of mine, both lawyers here in Los Angeles, and they were trying to convince me to get on the Haight bandwagon. I was friendly with Ray, and we were good friends, but never close.

In '38, after the election, all of us of these different views saw two things. First, if the Republican Assembly was going to amount to anything, it had to make pre-primary endorsements, and concentrate on one person. Iron it out ahead of time! That's when we--Bob Craig, Ed Shattuck, myself, Maynard Garrison, Sid Laughlin, Bill Campbell, Murray Chotiner--I guess there were eight or ten of us--sat down and said, "Now, let's look at our mistakes in the campaign and see what we did." We had acted as campaign managers in these various campaigns. Outside of Ed Shattuck and Bob Craig, nobody was very active in the Republican Assembly. Well, Bill Campbell was a little.

Fry: This was a group outside the Assembly?

Barnes: Partially outside. But it was mostly campaign managers in Southern California of the unsuccessful Republican candidates. And so we started meeting regularly. In fact, for a couple of years, we would meet a couple of times a week either for dinner or sometimes for breakfast. We decided that we'd stick together. Now, where could we get the organization?

We decided that the best opportunity was to thoroughly infiltrate the California Republican Assembly and get control of that. Which we proceeded to do. I don't mean in any sense that we called the tune or insisted that we were the bosses or anything like that. But we had the men who would first work, and then be elected to office--first in congressional districts, committees, and then as county officers.

Fry: I see.

Barnes: Murray Chotiner was with our group. Murray had been a candidate for office himself in '38, for state assembly, or maybe it was for Congress. I guess he ran for Congress. Anyway, he didn't do very well.

Fry: You are saying that after the '38 primaries, a group of you felt



Fry: that there had to be some sort of pre-primary endorsement, and that therefore, you did form your group for this purpose--?

Barnes: For that purpose among others, and to get the best working group that would work unselfishly for Republican candidates and Republican principles. We achieved a power in Southern California that was pretty successful for a short period.

Fry: What did you, and others working with you, do for Earl Warren in the attorney general race in 1938?

Barnes: Most of us worked for him. He asked me to take an active part, and I did.

In contrast, in 1942, I felt that I had committed myself to manage Jimmy Rolph's campaign and couldn't take on any more real active work and still practice law. But most of the members of the Republican Assembly worked very hard for Earl, and he had others like (William B.) "Bill" McKesson, who was not a member of the Republican Assembly, but he worked hard for Earl. He was later a judge and a district attorney of Los Angeles County. He's dead now. And a couple of others that Earl later put on the bench, whose names escape me now except for Tom Cunningham.

Fry: These were Southern California workers?

Barnes: Yes.

Fry: What about the funds for Earl Warren's campaign?

Barnes: Well, the Republican Assembly could never produce the funds itself. I think, frankly, that Earl got most of his money up north. I remember very distinctly talking with him one time about it. It always stuck in my mind as an indication of the character that Earl had. It was when one, if not the most important, financial contributor came to Earl after he was governor and asked him if he would take a position on a certain bill. Earl didn't think he should and told him he wouldn't do it. The man said, "I'll never give you another penny as long as I live!" Earl said, "That's your privilege."

Fry: Was that an oil man?



Barnes: I'm going to tell you "No," and then I'm going to stop. It was not an oil man, but it was a very important individual in California. It was typical of Earl's attitude. You could support him, but you couldn't buy him. He respected his friendships, but his first duty was, as he often expressed it, to the people.

Fry: I'm trying to interview some of the people who were opposed to Earl Warren at that time, and these people are kind of hard to find.

Barnes: This person is no longer alive, and I presume that Earl told me his name in confidence. If he wanted to mention it to you, I'm sure he would remember. But I think that's typical of Earl's attitude. When he came to me, I told him this Republican Assembly was a bunch of honest but poor lawyers, mostly trying to make a living. They'd give him a lot of time, but they didn't have the money. He said that he'd be most happy if nobody would contribute more than twenty-five dollars, then he wouldn't be obligated to anybody if he won the office. That's exactly the way he felt.

Fry: Is that about the way it happened?

Barnes: I was not privy to the financial end of his campaigns. I would hesitate to guess. I think a great deal of his support did come from the plain man in the street, but I'm also sure that some individuals helped him tremendously. Jesse Steinhart, I'm sure.

#### Promoting Nixon and Other Candidates

Fry: To back up a bit, I have a general question to ask you about the C.R.A. Were you able to get a particular group of assemblymen elected to the state assembly, men who had any special outlook or a particular set of political principles?

Barnes: We didn't have any group elected. We supported a few individuals. Bruce Reagan was one that comes to mind. He was active in the assembly, and ran from Pasadena. Thought it was his duty and went in. This was the first time he ran. That was some years ago





Barnes: [1949-50]. About five or six years ago, he was there again [1959-60].

I will say this: most of the fellows that worked in the Republican Assembly were better at supporting somebody else than they were running for themselves.

Fry: What about candidates endorsed by the C.R.A. generally? What success did you have getting them elected?

Barnes: I couldn't identify it that closely. I want to try to be as accurate as I can on what I remember and not claim too much. We always want to take more credit, you know, than we deserve in politics.

Fry: Let me put it another way: What sort of candidate would receive C.R.A. support? Would they be middle-of-the-road Republican, or middle-of-the-road Republican or Democrat, since a lot of candidates switched parties?

Barnes: Well, the Republican Assembly, as far as I know, never supported a Democrat. It would be a Republican. Now, sometimes they wouldn't support a Republican. Without mentioning any names, I remember one particular congressional district where a chap always wanted to run on the Republican ticket because he was distantly related to the Rockefellers or the DuPonts, or someone of that fame, and they financed his campaign. Well, once or twice he was supported, but he was not the best candidate to support. I mean, he was a pontifical, stuffy lawyer who could never get down into the grassroots and talk man-to-man with the voter. And so he'd run and get defeated, but because he had the finances, they let him run. Nobody else wanted to run in this predominantly Democratic district, you know! But we thought that was very poor to have him as the symbol of the Republican party that we supported. So we put a stop to that. I remember that one incident. I don't want to get too detailed so it could be pointed out of whom I am speaking.

Fry: When something like that happened, were you able to put a stop to it by simply seeing that someone else did run the next time?

Barnes: Yes, we could.

When Ray Haight saw what the C.R.A. could do, he became active in it. In 1942, he was particularly active in Earl Warren's campaign for governor. The only real contest was for



Barnes: lieutenant-governor; Frederick F. Houser won that election. But he and Warren did not see eye-to-eye because of Fred Houser's campaign efforts to tie himself in with the Warren candidacy. I objected to this on behalf of my candidate. I'll attach a photostatic copy of the letter received by me in reply from Ray Haight. This typifies, in its quotes, Earl Warren's ideas of how he wanted to run for office.

However, I did some considerable work for Warren in 1942 within the area of influence I thought I could be the most effective, along the lines of this letter [see pages following] from the California Alumni Committee for Earl Warren. All the Southern California members whom I picked [the names are circled, page 35] were University of California Alumni officers, or members of Southern Seas.

Fry: Did your group go out and hunt for people to run for office?

Barnes: Oh, yes. We advertised for Nixon, you know.

Fry: Yes, we want that in the record. This was after he came back from the war?

Barnes: That's right. This Congressman over there in the Whittier district--he was a great New Dealer (his father was head of a school over there)--Jerry Voorhis. He was pretty well entrenched. He had support from Republicans and Democrats. It wasn't wholly one way or the other, but he'd done pretty well there with Roosevelt's influence.

Most of us in the Los Angeles County organization were also members of the Republican Assembly in the various precinct organizations. And so in Pasadena, San Marino, Alhambra, up that way, part of the San Gabriel Valley--I was on the local Republican Assembly committee, as well as county officer--we were told to try to find somebody to run against Voorhis, but nobody wanted to run. They asked me to run. They asked a lot of other people to run, but they wouldn't do it.

Fry: Why didn't you run?

Barnes: Oh, I was never interested in holding office. I never thought of myself as a politician. I wanted to avoid it. I wanted to work as hard as I could for somebody who wanted to run. I was building my law practice, you know; I didn't want to get into



a championship debater. He was never popular with his classmates, but he won the election for student body president by promising to allow dancing on campus. Actually, Richard himself seldom attended dances, but he convinced the administration that it was better to have dances under campus control, rather than let students seek their entertainment in the sinful atmosphere of nearby Los Angeles. Graduating 2nd in his class at Whittier, Nixon won a scholarship to the recently established Duke University Law School in Durham, N.C. There, his long hours of uninterrupted study in the library won him the nickname "Iron Butt." Other classmates addressed him as "Gloomy Gus." After finishing 3rd in his law school class of 26, Nixon applied for jobs with New York law firms, but he was turned down. He also tried for a position with the FBI (the director of the FBI, J. Edgar Hoover, was one of his personal heroes), but the bureau never responded to Nixon's application. Sorely disappointed, Richard returned to Whittier and got a job with the law firm of Wingert and Bewley—his grandfather had known Mr. Bewley's grandfather years before. In Nixon's very 1st case as a trial lawyer in 1937, 10 days after he had been admitted to the California Bar, he represented a Los Angeles woman to execute a judgment in recovering a bad debt. During this case, Nixon was accused by the judge of unethical behavior, threatened with disbarment, and was also sued by his client for mishandling her case. (Bewley settled with the client by giving her \$4,000.) With a salary of \$250 a month, the young lawyer was naturally anxious to improve his financial position. He organized a company called Citra-Frost, but despite 18 months of intensive effort by Nixon, the company's plan to market frozen orange juice in plastic bags did not work. Nixon's law partner, Thomas Bewley, was city attorney of Whittier, and he appointed his young colleague to the post of assistant city attorney. However, this job hardly provided the excitement that Richard was looking for. Shortly after Pearl Harbor, Nixon went to Washington for a job with the tire-rationing department of the Office of Price Administration. As a Quaker, he was exempt from service in the armed forces during the war, but after 6 months in Washington, he decided to abandon the pacifist dictates of his religion and enlisted in the Navy. Assigned to the South Pacific, Lieutenant Nixon divided his time between building jungle airstrips and playing poker. On the island on which he was stationed, he built a little shack with a makeshift bar, stocked with liquor he managed to requisition. Officers and men flocked to this gambling resort, and found "Nick" Nixon ready to play for high stakes. By the time his tour of duty was over, Nixon's

poker skills had netted him more than \$10,000.

In 1946, with Nixon back in the U.S. working as a navy lawyer, 100 wealthy Republicans placed the following ad in Whittier area newspapers:

**WANTED:** Congressman candidate with no previous political experience to defeat a man who has represented the district in the House for 10 years. Any young man resident of district, preferably a veteran, fair education, may apply for the job. . . .

The initial response to the ad was poor, and someone suggested Nixon. After he was contacted, the 33-year-old attorney jumped at the chance. After some hesitation, the Republican leaders agreed to sponsor him. As one of them put it: "He was the best of a bad lot." Nixon made his 1st campaign appearances dressed in his navy uniform, and attacked his opponent, incumbent Congressman Jerry Voorhis, as a "friend of the communists." To "prove" his charges, Nixon repeatedly associated the name of his opponent with the CIO's Political Action Committee (PAC). Actually, the communist-dominated California PAC bitterly opposed Voorhis—the congressman was a member of the House Un-American Activities Committee and a dedicated anticommunist. But the modern national PAC had endorsed Voorhis—thereby confusing everyone and making Nixon's charges believable. The turning point in the campaign was the birth of Nixon's daughter Tricia. Voorhis made it a policy to send out a special pamphlet on infant care to all new parents in his district. On the cover of the pamphlet for Nixon the congressman added a friendly personal note: "Congratulations. I look forward to meeting you soon in public." Nixon seized on this message, read it to his audiences at every speech, and claimed that it committed Voorhis to a series of public debates. Finally, Voorhis felt compelled to accept, and in 5 debates, Nixon's aggressive rhetoric made mincemeat of his mild-mannered opponent. Nixon accused Congressman Voorhis of being "a lip service American, who is fronting for un-American elements, wittingly or otherwise." Three days before the election, he charged that Voorhis had "consistently voted the Moscow-PAC-Henry Wallace line in Congress."

On Election Day, Nixon was helped by a nationwide Republican trend, and he swamped his opponent, 65,586 to 49,994. Across the country, dozens of politicians—including Joe McCarthy of Wisconsin—carefully noted Nixon's effective and pioneering use of charges of "communist influence" to destroy a political opponent.

In the 80th Congress, Nixon was naturally as. \*

\*From David Wallechinsky and Irving Wallace, The People's Almanac, article written by Michael S. Medved and Nancy H. Medved, "37th President, Richard Milhous Nixon", pp. 317-333. Garden City, New York, Doubleday & Company, Inc., 1975.



HAIGHT, TRIPPET & SYVERTSON

458 SOUTH SPRING STREET

LOS ANGELES

35

August 6, 1942

MR. STANLEY BARNES

Title Insurance Building  
433 South Spring Street  
Los Angeles, California

Dear Mr. Barnes:

This is to acknowledge receipt of your letter of August 5th relative to the literature and correspondence and advertising sent out by one of the candidates for Lieutenant-Governor, describing himself as "a candidate for Lieutenant-Governor as the running mate of that fine Californian, Earl Warren".

I talked with Earl Warren personally about this matter and he expressed great surprise that any such thing has occurred because from the beginning of his campaign he has at all times made it known that he was running strictly on a non-partisan basis and alone in his campaign for the Governorship. He has reiterated this a number of times, and today in his speech at San Bernardino he again repeated this statement, saying:

"I am running for the office of Governor of the State of California on a strictly non-partisan basis, and if elected it is my intention to represent all of the people of the State of California. In this primary I have no running mates and I am not a part of any ticket of candidates."

Earl and I both, of course, appreciate any honorable support we can get to aid in this fight to take politics out of the war effort in California. Earl knows that to do this he must look equally to all parties to assist him. I feel his position is sound and I am confident that when elected Governor he will conduct the office on a strictly non-partisan basis.

With best personal regards, I remain

Sincerely yours,

*Raymond Haight*  
Raymond Haight

RH:k





August 6, 1942.

Fellow Californians:

Earl Warren is our candidate for Governor. Never, in the history of our State, has the need been so great for a man of his capacity.

We realize that we do not have to tell you of his splendid record as a fearless and able public servant; but, - because he has worked quietly and without publicity - you may not know his record of SERVICE TO THE UNIVERSITY OF CALIFORNIA and you may not fully realize how much it will mean to the University to have him elected Governor of this State.

For many years he has been a hard-working member of the California Alumni Council. During that time he has not spared himself, but has devoted what should have been his leisure time to the University's interests. The University needs him. As Governor, he will be called upon to fill all vacancies occurring in the Board of Regents, and he will also have tremendous power over the finances of the University. Because he loves the University, just as you do, it is certain that Earl Warren, '12, will be guided in all such matters, not by politics or antagonism, but solely by the best interests of the University, one of the most important functions of the State.

What can you do to help? First, we ask you to follow Earl Warren's example - to throw politics out of the window, and forget whether you are registered as a Democrat or a Republican. Second, we ask you to consider yourself a member of this Committee and, if you accept, it will be your job to contact the men and women in your community who share your loyalty for the University; to get them to work and vote for Earl Warren for Governor.

You have been selected for membership on our Committee because of your devotion to the University, and because of your known ability and willingness to back your sincere convictions with hard work.

Contact your nearest Committeeman. We will have to work fast, for we have started late. The primary election is only 19 days away. Let's go!

Sincerely yours,

THE CALIFORNIA ALUMNI COMMITTEE

Secretary

Carey S. Hill '10  
Los AngelesFred H. Huffman '99  
AlturasHarry W. Hurry '24  
ArcadiaCharles Kasch '11  
UkiahAugustin C. Keane '01  
AlamedaDonald G. Kendall '34  
BakersfieldHubert C. Kelly '13  
San DiegoRobert Kissal '34  
LafayetteMorris P. Lerner '23  
PasadenaL. A. Lewis '10  
WhittierLawrence Livingston '1  
San FranciscoJoseph P. Loeb '02  
Los AngelesDickson F. Maddox '16  
VisaliaWilliam A. Magee '87  
San FranciscoHarry L. Masser '14  
Los AngelesHarvey C. Miller '29  
San JoseOsgood Murdock '16  
PiedmontDonald P. Nichols '24  
PomonaStanley Reinhaus '07  
Santa AnaJ. D. Rinehart '14  
PasadenaAndrew I. Smith '14  
OaklandArchibald B. Tinning '1  
MartinezM. E. Van Sant '23  
Beverly HillsKenneth W. Verling '24  
AlhambraDean Witter '09  
San FranciscoCharles S. Wheeler, Jr.  
San FranciscoMrs. Ruth Slack Zook '1  
San FranciscoJames W. Archer '30  
San DiegoNelson E. Barker, Jr. '16  
San DiegoStanley N. Barnes '22  
Los AngelesEdward I. Beeson, Jr. '13  
HealdsburgFloyd Blower '36  
Los AngelesBradford Bosley '17  
San FranciscoJ. W. S. Butler '01  
SacramentoMrs. John P. Buwalda '17  
PasadenaThomas M. Carlson '15  
RichmondT. L. Chamberlain '13  
AuburnJackson W. Chance '28  
San MarinoHarold S. Chase '12  
Santa BarbaraCharles R. Clinch '09  
Grass ValleyNathan F. Coombs '05  
NapaHarry L. Dunn '15  
Los AngelesLinwood Dozier '10  
StocktonMrs. John M. Eshelman '01  
BerkeleyEarl J. Fenton '15  
FresnoBruce Findlay G.S.  
San BernardinoRalph T. Fisher '01  
OaklandWalter J. Fourt '23  
VenturaEdward F. Geis '11  
WillowsJohn R. Gabbert '07  
RiversideOliver D. Hamlin, Jr. '14  
OaklandSamuel Haskins '93  
Los AngelesLang Grim Heying '13  
AnaheimC. Hilgers '25  
Santa MonicaArthur W. Hill, Jr. '26  
Eureka



Barnes: politics as a candidate very much.

Fry: Who else did they ask?

Barnes: Oh, I can't say for sure. I think out in Alhambra there was a man named Arthur Kruse, a savings and loan officer, who wanted to run. I visualize some of the others, but I forget. Roy Crocker was on that committee, I think. Anyway, we held meetings and talked it over, and we couldn't decide on anybody, so somebody said, "Let's advertise." So we put an advertisement in the papers out there in the San Gabriel Valley. I don't have a copy of it. I didn't attend to that, but a lawyer in San Marino whose name I've forgotten--I can visualize him, too--did. It said something like this: "Wanted: man to run for office. Must be a veteran, young, ambitious, hard-working--" the usual stuff. And Nixon was one who answered the ad and who thought he might run.

Fry: Did your C.R.A. group interview these candidates?

Barnes: Oh yes. The local C.R.A. district committee interviewed several persons, both as a group and individually. But there wasn't an awful lot of screening. It was thought to be a hopeless task. As I recall the congressional committee's work, we picked Nixon as the candidate, in late '45 or very early '46, for Congress in the 12th congressional district.

One of my good friends, Rockwood C. Nelson, was active in the 1946 Annual Pomona Lincoln's Day dinner. Here is a photostat of the letter he sent me (page 37) about the dinner and the two tickets describing the event (page 38), held on February 12, 1946, in Pomona. I think I spoke there, and I may have presided. I have a photostat of a memo from my files (page 39). From its position with other papers, I think it's a memo prepared for the presiding officer of the February 12th, 1946, Pomona kickoff. But it may have been given me for the "finals" kickoff after the primary, at Eatons. Also, I found (page 40) a photostat of a memorandum which I know I used presiding at the Eaton dinner. The portions underlined in red are my writing.\*

---

\*Underlined in red on the original are "Vernon Yost--President, Monrovia Republican Club. Buron Fitts. Gerald Kepple. Bill Martin, former President of Young Republicans.



Rockwood C. Nelson

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*Member of Charter Club*



January 28  
1946

727 West 7th Street  
Los Angeles, Cal.

Mr. Stanley N. Barnes  
433 South Spring Street  
Los Angeles, 13, California

Dear Mr. Barnes:

The annual Republican Lincoln  
Day Dinner presenting Lt. Commander Richard M.  
Nixon will be held on February 12th at Pomona.

You and your Committee of Republicans  
have worked many months in getting ready for this  
"Kick-off" Presentation of our Congressional Candi-  
date. We would like a good representation from  
the 53rd in attendance.

Enclosed are two tickets - --- Let me  
know how many more you can use and send your check  
for these.

Very cordially yours,

RCN:H

*Rockwood C. Nelson*



60

*"I'll Be There"*

## LINCOLN BIRTHDAY DINNER

Sponsored by Republicans of  
Twelfth Congressional District

EBELL CLUBHOUSE - POMONA

585 E. Holt Avenue

Tuesday Evening, February 12th :: 7:00 p. m.  
\$2.00 PER PLATE

PRESENTING LT. COMDR. RICHARD M. NIXON, USNR

59

*"I'll Be There"*

## LINCOLN BIRTHDAY DINNER

Sponsored by Republicans of  
Twelfth Congressional District

EBELL CLUBHOUSE - POMONA

585 E. Holt Avenue

Tuesday Evening, February 12th :: 7:00 p. m.  
\$2.00 PER PLATE

PRESENTING LT. COMDR. RICHARD M. NIXON, USNR





# *Harrison McFarle is Nixon Campaign Meeting*

40

Stanley Barnes of Chase, Barnes and Chase, resident of Congressional District #12, acting as Chairman of a group of Progressive Independent Republicans and Democrats, banded together for the purpose of electing Richard Nixon as Representative of the 12th Congressional District.

Richard Nixon, the candidate, is:

Age-- *Please ask him your self.*

Graduate of--

Served in United States Navy during World War II from:

with the rank of--

Member of Board of Trustees of Whittier College.

Each one should introduce themselves; starting at one end of the table, each individual should stand and give his name and the town or locality he is from.

Have everyone present sign card at his plate; giving his name, address, resident telephone and business telephone.

Each one should also signify if he is willing and will invite a group of 25 or more of friends to his home, either some afternoon or evening, thus giving Mr. Nixon an opportunity to meet a number of the men and women voters of the District.

60 small group gatherings of 25 each --- 1500 people.

We are badly in need of a new Congressman, as Jerry Voorhis' record indicates:

- a- His CIO record.
- b- His utter lack of doing anything constructive during term of Congress, evidenced by his introducing over 120 bills and only one being passed.

Call for any suggestions as to what can be done to aid in Mr. Nixon's campaign.

Emphasis should be placed on the fact that group is made up of Independents who are not dictated to by anyone and are giving their own time in the hope of electing a new and capable Congressman.

*Consensus with  
Chas Davis who  
is head of Papers will  
give you information  
as to who is here.*

*[Signature]*  
*[Signature]*  
*[Signature]*



Mr. Roy Day of Pomona

1st Meeting for 1946  
Vice Chairman Los Angeles County Central

41

Committee. Was Chairman of the FACT FINDING COMMITTEE for 12th Congressional District which got all Republican Groups together to settle on one candidate for Congress. He then accepted the responsibility of handling the campaign through the Primary.

Mr. Boyd Gibbons of San Marino - Did a wonderful job helping Mr. Day to

weld together the various groups and organizations in the district, and get behind the nominee of the FACT FINDING COMMITTEE.

Assemblyman Ernest Geddes of Pomona - Re-elected at Primaries and is doing a wonderful job in behalf of Nixon in the 49th District.

Former Assemblyman Lothrop Smith of Alhambra - Who resigned as Assemblyman from the 53rd District to enter the Armed Forces and has recently returned from overseas service.

Mr. John Barcome of Los Angeles - Chairman of Los Angeles County Republican

Central Committee. Will give an overall picture of the coming campaign in the 12th District.

MR DICK NIXON

Introduction of Harrison McCall of <sup>SOUTH</sup> Pasadena, who has been selected by Mr. Nixon as his campaign director.

Introduction of Mr. Arthur Kruse of Alhambra, who has kindly consented to act as Treasurer for the campaign (Kruse due to arrive late).

Introduction of Mr. Roy Crocker of So. Pasadena - Chairman of Finance

Committee. Either Mr. Crocker or Mr. Kruse will welcome any contributions to the campaign.

Vernon Post - Pres. Monrovia Repub. Club.

Bernard Fitts

Gerald Kepple

Bill Merten

former Reg. Rep.

Expression of appreciation to the Committee for this wonderful dinner.

Adjournment

\* Introduction of Mr. Kenneth <sup>and few was</sup> - Republican Candidate in Primary



Barnes: Now I'll tell you about that Eaton meeting. This is a little confidential, but I guess there's no reason why it shouldn't go down in history.

Fry: We can put it under seal.

Barnes: Yes--one of my clients was a very irascible individual by the name of Tom Rogers, who was the president of the Union Rock Company. He was always getting into trouble because he ran pretty close to violating some of the government regulations that existed then, under WPA. I had gotten him out of a couple of jams, one a contempt of court order that I recall clearly. His nephew was Al Rogers, a lawyer who was a great friend of mine, who advised his uncle usually. But whenever the matter would get to court, I'd take over.

Old Tom had a son he wanted to get into Annapolis or West Point, in order to avoid a possible draft. The war was over, but Tom got mad at Voorhis before the war ended or perhaps they were still drafting for Korea. Tom had written Voorhis about appointing his son and hadn't gotten a decent letter. He was mad as hell.

Anyway, the question was how to launch Nixon's final campaign, after he had won the primary Republican nomination. We were all trying to find somebody that would underwrite a public meeting, so finally I went to Tom.

I said, "Tom, what you've got to do is put your shoulder to the wheel and get somebody in there who will listen to you, and we have the man." So I buttered him up pretty well, and finally got him to underwrite the first meeting where Nixon met the public, as the Republican nominee, which was in Eaton's Restaurant out there in Arcadia. Eaton's had a banquet room in back, and we got that and filled it for the first meeting. My client Tom Rogers paid the bill.

Fry: Who was invited to that?

Barnes: All Republican voters of the district, Republican Assembly members, you know, and so forth. The Assembly committee sold the tickets. We were all going around then, you know, making speeches, trying to get the Republicans together in the precincts and encourage them. I remember I had a speech based on my computations of how



Barnes: many Republicans since Roosevelt had gone in, what a slide it was, and how we'd won this in West Virginia, and this one in Pennsylvania, and another in, of all places, Alabama. We were on the go, you see. That's what we tried to sell them. Republicans were moving ahead.

Fry: There was a rise in the Republican votes?

Barnes: Yes. Yes. I didn't have much to do with Nixon's actual campaign after that.

Fry: Well, how was he selected? I mean, why was he chosen above the others who answered the ad?

Barnes: This congressional committee of the Republican Assembly was told to find a candidate, and then the county Republican Assembly endorsed him, you see, on the recommendation of these men.

Fry: Yes. I mean, wasn't he competing with the other men who answered the ad? Why did you choose him above the others?

Barnes: Just that he looked the best, that's all. I mean, you know, he's smart. He answered the questions, and he had some idea of what the Constitution was. Most of them didn't. He had opposition in the primaries, including at least one person who had appeared before the committee and been turned down. (Mr. Kinnett--see bottom of page 40.)

Fry: Was this committee the one whose names you gave me a while ago, made up of C.R.A. and non-C.R.A. persons who wanted to make pre-primary endorsements?

Barnes: No. No. Different period of time. This was just the C.R.A. local 12th congressional district committee. You see, each congressional district had representatives and they would send a representative to the county-wide organization.

Fry: I see.

That was the campaign that later became so notorious.

Barnes: No, it was the Gahagan campaign that was notorious, I think.

Fry: That was notorious for telephone calls, but I thought that his first congressional campaign--in which Voorhis was called pink--





Barnes: Might have been. Might have been. Voorhis was really liberal.

Fry: Maybe I am getting it mixed up with Helen Gahagan Douglas. At any rate, you didn't work in the election; you can't comment on that?

Barnes: No, I can't. At any rate, Dick Nixon wrote me thanking me and I replied. (Photocopies of these are marked pages 44 and 45.)

Meanwhile, Tom Cunningham and Bernard Brennan were running Earl's campaign for governor in the South, and I was busy on minor matters for Earl--speaking and doing some legal research. (I attach three photostats, pages 46, 47 and 48.)



# Earl Warren For Governor

411 West Fifth Street  
Los Angeles 13, California

45



March 26, 1946

Mr. Stanley N. Barnes  
Attorney at Law  
610 Title Insurance Building  
Los Angeles 13, California

Dear Stan:

This will confirm our telephone conversation of Saturday, in which you so kindly agreed to supervise and head up our lawyer's committee "Radio Slander Experts", which committee, with principal reliance upon yourself, will work out the means and machinery for protecting the Earl Warren Campaign from the smear we might anticipate from our opposition.

I have talked with Bill Carman in O'Melveny's firm. He is wholeheartedly in favor of this method of procedure but naturally representing one of the stations cannot act directly on the committee. He will be glad to advise with you and approves very much of your selections. In the same position are Eugene Overton and Herb Freston. Freston represents Warner's stations. Frank P. Doherty has agreed to get us the name of attorney handling the KHJ stations, so would appreciate your contacting Frank P. Doherty, Sr. directly on this. There is also a John McHose that I would assume is on our side of the fence and who represents several of the smaller stations. Work cautiously with him until you are sure of where he stands.

Fred Kerman, who is located in the Pacific Mutual Building, and whose phone number is Mutual 3311, is chairman of the Publicity Strategy Committee. It would be well to keep in touch with him so that your activities and the radio activities can be properly correlated.

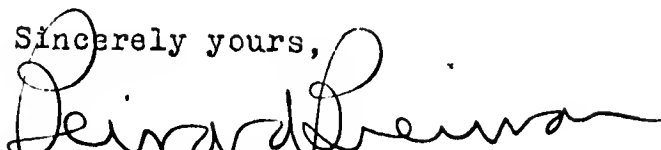
I would appreciate hearing from you in a short memorandum as to the procedure and progress in the next few days, as it will further relieve my mind from this most important subject to the campaign.

I am keeping Col. Cunningham, General Chairman, fully advised of these fine volunteer services that you are



rendering for the Governor, and for the cause of decent  
government in our state.

Sincerely yours,



Bernard Brennan.

BB/fc



# Earl Warren for Governor

47

## INTER-OFFICE COMMUNICATION

To: Stanley Barnes.....

Date: April 15, 1946.....

From: Bernard Brennan.....

Dear Stan:

You indicated your willingness to help in the campaign. Here is an item that you can clear for us in the near future, and which will be of great assistance to us.

What are the limitations on employees of the State of California holding Civil Service positions? May they sign letters for candidates? May they speak for a candidate? Of course, you will judge these questions to be related to the Governor's office. I think I know what the answers are, but would like to have them checked and reported. You can probably get it pretty fast by calling Walter Bowers who is in the Attorney General's office, and who is on our side of the fence. You may want to check it yourself.

Thanks for your help.

Sincerely yours,

BERNARD BRENNAN

BB/pc





December 6, 1946

Mr. Richard M. Nixon  
Whittier, California

Dear Mr. Nixon:

It was nice of you to write me a note of thanks after your successful campaign.

I was more than glad to do my little for you, both when the opening gun was fired at Eaton's and at other times, and I feel sure that your tour of duty will make the voters pleased that they have placed their trust in you.

With every good wish for a successful term of office and many more to come, I am

Yours very truly,

SNB:AR



### III WARREN'S YEARS AS GOVERNOR

#### Helping in Campaigns

Barnes: There was one thing you probably have, but I'll repeat it to make sure. That was that on two occasions I was commissioned by the Republican Assembly in Los Angeles to contact Earl. First, before he ran for attorney general, to see if he would run. Then, secondly, to assure him, after he indicated he might run (he announced pretty early that he was going to run for governor), that he'd have our support, that we would work for him.

Fry: I see.

Barnes: In other words, as far as the Los Angeles Republican Assembly was concerned, I acted as a go-between between the Assembly and Warren, until Bob Craig went to work for Earl in Oakland.

Fry: Did you have any people who opposed Warren, or demurred at that time?

Barnes: Very few. Very few. He was an outstanding leader, you know. It wasn't too popular to run on the Republican ticket during that time. The Republican organizations weren't too popular. We'd have a time getting a place to hold a precinct meeting. You'd go into some areas and you couldn't get a hall.

Fry: The democrats had it sewed up, you mean?

Barnes: Yes, except for San Marino or Orange County! Yes. Los Angeles was largely democratic. Most of the Mexican-Americans, for example, are democratic. Of course, they're now getting away from it. You didn't see the election here that brings back the state assembly to twenty Republicans and twenty Democrats?



Fry: Oh, the special election held two days ago? Yes, I read about that. Was that a Mexican-American vote?

Barnes: Very largely. Al Altore was the darling of the Democrats, and they had [presidential candidate Ed] Muskie come out and speak for him. And this Republican won it.

Fry: But he got eggs thrown at him?

Barnes: Muskie did. Yes. The Republican got rifle shots through his house, but no one knows where they came from. I'm always most suspicious of such stories.

Fry: You never know whether their own friends are doing it for a put-up job [laughing].

Barnes: That's right.

Fry: Now, later on, I think in '46, one of your C.R.A. people, Murray Chotiner, wanted to run for governor. Someone mentioned this to me. Were you aware of this at the time?

Barnes: Murray wanted to run for almost anything that was available. He was defeated in a race in '38, or maybe it was '42. For a while he wanted to be a professional manager, you see, and then he wanted to run. He never got over the idea that he wanted to run himself. I didn't know specifically that he wanted to run for governor. When was that?

Fry: Well, according to my notes it was 1946, the second time that Warren ran for governor.

Barnes: I doubt that very much! I'd gone on the court in the end of '46, and I wasn't particularly active. You see, I was on the board of directors of the California Republican Assembly for seven or eight years. I was treasurer for two or three years, and they kept wanting me to run for president, but I couldn't take the time from my law work. And so I would always turn it down. So along about '43, '44, my interest dwindled, as far as being as active as I had been in the past.

Fry: But you did work with Earl Warren in his 1942 campaign for governor?

Barnes: Yes.



CLASS OF SERVICE

This is a full rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

# WESTERN UNION

A. N. WILLIAMS  
PRESIDENT

52

CLASS OF SERVICE  
12 - Day Letter  
13 - Night Letter  
14 - Day Cable  
15 - Night Cable  
16 - Cable Telegram  
17 - Cable Letter  
18 - Cable Letter Telegram  
19 - Cable Letter Telegram  
20 - Cable Letter Telegram

The filing time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination.

LDA10 NL PD

LOS ANGELES CALIF MAY 3 1946

STANLEY N BARNES

433 SO SPRING ST LOSA

1946 MAY 3 PM 6 15

GOVERNOR WARREN DESIRES TO MEET SPEAKERS PERSONALLY AT LOS ANGELES  
HEADQUARTERS 3:00 P.M. MONDAY MAY 6. URGENTLY REQUIRE YOUR PRESENCE.  
GOVERNOR WILL SPEAK. PLEASE PHONE CONFIRMATION.

AMES CRAWFORD, CHAIRMAN

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE





Fry: What did you specifically do?

Barnes: Well, it was just individual effort. I didn't have any official position. I was just down at headquarters working with other volunteers, and I had a list of some five-hundred friends and clients to whom I'd send letters or postcards.

### Appointment of Judges

Fry: You were telling me about Earl Warren appointing his judges.

Barnes: Yes. Just quickly, I think that a very important factor in the judicial appointments made by any governor is the knowledge that that governor has about, and his experiences with, the law. If he is a lawyer, has been a lawyer, he brings to that determination of who should be judges a much better understanding than any layman ever could in picking the men that he wants to be judges.

You recognize some of the pressures for potential appointees that are put upon the governor by those who are interested in the outcome of litigation. And some pressure comes just from pure exuberance and friendship for an individual. I have one judge in mind (and Earl Warren might very well know who I'm talking about), the finest man in the world socially, an excellent individual as a friend, but one of the worst judges that could ever sit, because he always wanted to help his friends. So when you went before him, you never know whether the other attorney was a better friend of his than you were.

That's an extreme example. Very seldom does anything like that influence a judge, I think. But Earl appointed some outstanding men, such as Alfred L. Bartlett, who had been head of the state bar previously. A wonderful reputation here in the community. And Allen W. Ashburn--

Fry: He got them to leave their law practice?

Barnes: Yes. Ashburn was one of the finest lawyers in the state of California, who practiced with the former president of the California Alumni Association and a former president of the American Bar here in Los Angeles, Gurney Newlin (Cal--'09?).



Barnes: And Philip H. Richards, Paul Nourse, Arnold Praeger and many others.

Fry: When Warren came to you to get your help and advice on the appointment of judges in Southern California, what was his purpose in this?

Barnes: Well, just because I was on the court, and could see and observe, and I'd been so recently in the practice. Frankly, what I think he most desired was a double-check on some of the information he already had. He'd pretty well made up his mind. A couple of times when we talked about it, why, he'd say he had come to one conclusion, and then the announcement would come out in the papers perhaps the next day, and there'd be a change in it. But that wasn't very often. It happened once, I know.

It was simply because I'd been active in the bar and knew most of the lawyers and could give him my personal knowledge as to their integrity and reputation in the community. I don't mean that I ever vetoed anything he had decided! I was never in any position to do anything like that, or even to mention it. It was just information that he wanted, what I thought about these various individuals. There were only two during this period that I really suggested who should be appointed by Earl to the bench. The first was a Nisei, Jolen F. Aiso, and a remarkably fine lawyer. The second one, I'm sure, Earl had already heard about, but I encouraged Earl to name this person.

You see, just after I was appointed, the number of judges was increased, and he made six appointments on September 29th, 1947, at one time: Wilbur C. Curtis, Philip H. Richards, Tom Cunningham, Kenneth C. Newell, Orlando H. Rhodes, and Otto J. Emme. I remember conferring with him at some length on those appointments.

Fry: You mentioned, off tape, meeting him in the Jonathan Club and a big book he had.

Barnes: Yes. I think it may have been when he had these six appointments to make, or maybe the nine he made in 1949. We had both attended some kind of luncheon. I don't know what the luncheon was about, whether it was bar association affairs; I presume it was. Or judicial affairs. But he asked me to come up to his room afterward and he brought out this big loose-leaf book. I think he had two books.



Barnes: I never saw what was in the books, because I was always on the opposite side of the desk, but he'd mention names, and then I noticed that he'd make mysterious marks. It developed that he had his own code for putting down whether this was a good appointment or whether it would be a bad appointment. Some of those suggested were quite a surprise to me, because I didn't think they merited the job. But we went through forty, sixty names I guess, that he had there--perhaps more. I was surprised at the number of lawyers that wanted to be judges.

Fry: How did he react to those who had sixty or a hundred letters or telegrams sent in on their behalf?

Barnes: Well, that was one of the things that I remember very definitely. There was one judge there that had overwhelmed him with letters, and he said, "Here's a man that I'm not going to appoint, because he's too anxious for the job. All these letters seem to have the same continuity and thread in them for a recommendation, and it's very obvious that they were inspired by the same individual."

Earl was also very jealous of the fact that he was the one that was doing the appointing, and I felt, and found out from some other things I knew, that he didn't want anybody that he talked to going around intimating that he had any influence with the governor. I was always very careful not to open my mouth about anything like that, until after it was publicly announced who the appointee was.

Fry: You really had to keep quiet.

Barnes: Yes. Particularly when some of the appointees were friends of mine. I would have loved to have told them, but I couldn't tell them.

#### Integrating the Los Angeles Bar Association

Fry: You mentioned that you were helpful in getting Walter Gordon appointed governor of the Virgin Islands.

Barnes: Well, Earl does not come primarily or directly into that story,





Stanley Barnes being sworn in as judge on the U.S. Ninth Circuit Court of Appeals, June, 1956, by Chief Justice Earl Warren.



Stanley Barnes with Walter Gordon. April 1953.





Barnes: except that Earl had a great deal of confidence in Walter Gordon. All of us who knew him did have.

Fry: What happened when he was made governor of the Virgin Isles?

Barnes: Well, I was back in Washington as an Assistant Attorney General of the United States. Both Nixon and Eisenhower wanted to find a good black man that they could agree upon, because it was a tender area. So then-Vice-President Nixon called me and said, "You know Walt Gordon pretty well. What do you think of him as governor of the Virgin Isles?"

I said, "Great. Couldn't do better." And I told the vice-president some of his background.

So, when the appointment went through, the vice-president had me arrange a party in his chambers in the Senate building for Walter at the time he went back there with his wife to receive his commission and to go down to the Virgin Islands. I went over the guest list with the vice-president. It was his party, but he put me in charge of it.

One of the guests was very interesting from a University of California standpoint: the man who was dean of the Howard University Law School, as I recall, was the person whose family took care of Walter Gordon and "boarded" him when he first came to Cal from San Bernardino to play football. He lived down in Oakland. And he was present there at that party when we sent Walter on his way to the Virgin Islands.

Fry: What was your part in the integration of the Los Angeles Bar Association?

Barnes: The bar association integration deal was just something I talked with Earl about. Walter Gordon was then on the Adult Authority with the State of California, an appointee of Earl's, and I had admired his work.

Herm Selvin (Cal, '24) and I took it upon ourselves to feel that the position of the Los Angeles Bar Association barring Negroes from membership was not a good thing; that the association was not a private club; that it had to do with and had an affect upon a person's occupation and his earning capacity, and that we shouldn't keep this "southern gentleman country club" deal that some of the members had been advocating.



Barnes: So we finally worked it out to bring Walter down to speak to the L.A. County Bar Association. He made a great, great speech, not using a note. Just stood there and spoke to them for forty minutes with facts and figures. Made a hell of an impression on them. Within a couple of months they withdrew the bar on Negroes in the association.

Fry: Had Walter Gordon spoken to you about this problem before?

Barnes: No. He'd never spoken about that problem. And he never would have! Herm Selvin and I are very close friends. We just thought we had an opportunity, through Walter Gordon, to prove something.

Herm came from Utah. He never knew that there was such a thing as a Jew until he came to the Bay region to attend the University of California. And he went out for football. He never weighed more than 145 pounds. A gutty little guy that could never do much on the football field, but one who was always gung-ho on everything athletic at Cal ever since. In fact, years later I helped get him an honorary membership in the Big C society, and he comes back south and I'm certain he took it to bed with him. At any rate, he, from the standpoint of being a liberal Democrat, and I, from the standpoint of being a conservative Republican, felt that the L.A. County Bar's position was not right. We thought we could help a little bit, and we got Gordon just to show him off. To show what a Negro could do, and had done, intellectually and morally. And he made such a beautiful impression that it demolished a lot of prejudice. No, Walter didn't even know he was a guinea pig.

Fry: Oh he didn't? [laughter].

Barnes: We wouldn't tell him. It might have made him a little nervous. Walter knew he was among friends. We'd been very close through the years.

Fry: Was this a state-wide meeting?

Barnes: No, just the L.A. County Bar. The state bar automatically permits any lawyer to join--a lawyer must belong to the state bar. It's compulsory. But the L.A. bar was supposed to be an invitational affair. But obviously, in a profession such as the law, it makes a great difference whether you belong to a local association.



Fry: I'm glad we got that little story.

When were you appointed; what were the circumstances of your appointment? We don't have that story yet.

Barnes: Earl Warren called me on Saturday afternoon in December, 1946 at my home in San Marino when I was mowing the lawn. He told me that "Goody" Knight was in his office, and they were talking about who should succeed Knight on the Los Angeles bench, and that they had decided I was the person. I said,

"Earl, I never have wanted to go on the bench--I'm just beginning to make some money in the practice of law. I never even thought of being a judge."

"You owe it to your profession," said Earl.

"Give me time to think it over," I said.

"Fine," he said. "Think it over and let me know Monday."

So that is how that happened. It was pretty hard to say no.

#### University of California Alumni Association Advocacy

Fry: Now, what about Earl Warren and the Alumni Association? By the time you add in the Masons, the University of California alumni, and all the policemen and sheriffs' organizations, he had a pretty good constituency before he ever started running! [laughing].

Barnes: You bet he did! He surely did. And it was grassroots support, and that's what's always been important to Earl. Always been.

Well, I became extremely well acquainted with Earl during the years. You start out being on the alumni board, as a trustee, and then you're chairman of a committee, and eventually you start becoming a fourth assistant to the vice-president or whatever it is, and go through the channels. Well, Earl was just one jump above me, so that as he went up, I would take his place. He never



Barnes: served as president of the Alumni Association because he was elected governor when he was first vice-president and when I was second vice-president. So when he went in as governor--of course he sat on the Board of Regents--he thought that he shouldn't be president of the alumni association as well. And so Jean Witter went in for one year, took Warren's place, and then I came along.

But Earl and I attended the meetings faithfully, both being loyal alumni. We used to like to talk football then, and talk coaches. I organized Southern Seas down here--you probably don't know anything about that. This was a group of those in the south who were interested in football and all athletics at the University of California, Berkeley.

Fry: Oh, Southern C's; I see. A play on words.

Barnes: A play on words, which I made up. You see, coming from the south, San Diego, and knowing what success we'd had, I got out all the records of California football from 1918 on down to about 1932. I could prove to anyone who was interested that California's success in the percentage column of wins and losses depended on how many players they got from south of Tehachapi. It's a fact. I proved it, you see. And so we started to organize in 1933.

Fry: Was this helpful in finding good men to be on the football teams? And scouting?

Barnes: It certainly was. It put us in the Rose Bowl in 1937.

When I went back to Washington, the Southern Seas presented me with that [points to plaque].

Fry: Let's see: "To Stanley N. Barnes, without whose vision and inspiration this organization would never have come into being, and without whose leadership and counsel it could never have survived. April 23, 1953."

Barnes: We meet with considerable opposition on anything we do down here in the line of proselytizing athletes, and so Southern Seas was just a euphemism, not to advertise what we were doing. Yes, we set up the nucleus of Stub Allison's team, that went to the Rose Bowl. I don't mean every player, but a respectable portion. A couple of All-Americans.

Fry: How does that operate? Did you work with the coaches at Cal?





Barnes: Oh, yes. We worked very closely with them. I've always been in a peculiar position. I don't care anything about personalities. I've worked hard to get rid of California coaches. I've worked hard to get people in as coaches. I've worked even harder to get good athletes to come to play under those coaches. It isn't friendship with me; it's a question of what's best for the University of California. I have voted against appointing a member of my own team that I played with, as head coach of California, because I didn't think that he should be there.

And so I've been very close to all the coaches, because they recognize the fact that my interest in our athletic program lies solely in what is best for Cal.

Fry: Did the Southern Seas have any other impact on the university besides in football?

Barnes: For instance, what?

Fry: On the regents?

Barnes: Oh. Well. Of course Earl Warren has been interested in the athletic picture. Several people not of his calibre, but of a somewhat exalted character have belonged to Southern Seas, and to Bear Backers up north.

Actually, Southern Seas is divided into two groups: (1) the men who do the actual proselytizing and get out and contact the athletes, and (2) those who support it, financially and otherwise, in its activities.

It's hard to differentiate between Southern Seas and athletics as a whole at the university, but when you look over the individuals who have been active in the alumni association and have taken a leading part as president of it: Pres Hotchkis, Jean Witter, Cort Majors, myself, Ed Harbach, Johnny Mage, Jack Symes and Wendell Witter--all Big C men with athletic backgrounds.

Fry: Did you say Jean Witter? Not Dean.

Barnes: No. Dean was the money. Jean was the alumni officer.

I just point out the large number of athletes who have been the leadership of the alumni association. Not to mention the new president of the University of the Pacific, one of our Southern



Barnes: Seas boys: Stan McCaffrey.

Fry: Oh, right.

Barnes: Our immediate alumni president, Chris Markey, is very active. He's been president of Southern Seas, and was a quarterback who first played under Pappy Waldorf. He is now on the Superior Court bench of Los Angeles County.

Fry: Preston Hotchkis also is one of the people who were active in Earl Warren's campaigns.

Barnes: Very much so. Yes.

Fry: What about the Witters?

Barnes: Dean is the older brother who founded the company--a former crewman at Cal--and he had the money. Now there are about five or ten Witters, you know. There's Jean, there's Phelps, there's Jack and Wendell. There's Bill and Tom Witter, but in a different age group. There must be almost three different generations of Witters.

Fry: Which one would be the person to talk to about Earl Warren?

Barnes: It would be Dean, but Dean is gone and so is Jean. Wendell is probably the only one that could give you much information now. They all played football, you know, or rowed on the crew. Jack played on our team in 1921 and '22. But he hasn't been active in alumni circles.

Fry: Well, that's an interesting connection. Maybe there's something about the competition in football that makes men also like politics when they get out of school.

Barnes: Well, I don't know about that. It might be. Yes, it might be. It's a form of competition, and any form of competition appeals to a good football player. But athletic competition frequently creates loyal alumni, too.

What else do you have?

Fry: Well, I want you to tell me more about the Alumni Association, what you actually did and what Earl Warren actually did.



Barnes: Well, we had one struggle that Earl and I stood shoulder to shoulder on as long as he was there, and then I carried the ball when he left. That was that in Bob Sproul's considered judgment, God bless him, he wanted to combine all the alumni associations of the university into one alumni association to get the strength, you see. To have it united and cohesive.

Well, that was fine except that the University of California Alumni Association has some assets of \$4 or \$500,000 and a hundred thousand alumni or so; and UCLA, the second largest association, and the one that always had been crying for more recognition, had \$20,000 in the bank and twenty-thousand alumni, you see. But it was all going to be equal. And then the president of the alumni association would be alternated between the north and south--between Cal and UCLA.

When I was president of the Alumni Association, I defeated Bob on that. Had to take it before the council, and we had an awful time. He later told me that he thought I was right, but it took him twenty years to say so.

Fry: Would the council be representative? I mean more Berkeley people on the council than any other?

Barnes: No. Bob Sproul wanted an equal partnership. I didn't. The associations remain separate. They're not together. Technically they are joined in that I solved the problem by creating a super alumni association of the University of California, which consists of three people, a secretary, and the president of the California Berkeley Alumni Association, and the president of the UCLA Alumni Association. Now, the other University of California schools are trying to get into the act, because one from either Cal or UCLA has been elected president each year of this super organization, and that's the person that sits on the Board of Regents. We did that to comply with the state constitutional requirement that the "president of the California Alumni Association so sits." So we organized this super organization. But we didn't want to give up our own identity, or our own finances, you see. And that's what Bob wanted us to do, in this idea of all for one and one for all.

But the primary loyalty of the Berkeley alumni is to Berkeley. It isn't to UCLA or to Santa Barbara, except indirectly. I say that even though I've supported UCLA many times. So that's what



Barnes: the issue was. Now Earl Warren and I agreed on that, and while he was an officer of the association, we fought Bob on that. It didn't come to a head until after Earl had left and was governor, but I valued his support, because I felt so strongly about it. And I really had to just get up and out-shout Bob, and that took a lot of shouting!

Fry: He was quite a shouter, I understand.

Barnes: Oh, yes; he had a voice, you know. When he announced at track meets, you could hear it across campus. But Bob and I--we never had any real differences. I knew what he wanted. I respected what he wanted, but I didn't think it was best for the university to handle it that way. So I had to fight him. It was one of the few things where I ever took him on, in any of our alumni activities.

Fry: Were there any problems in those days of interpreting the university to the larger community in the state?

Barnes: Oh, yes. While Earl and I were there we participated in setting up an informal organization that at the time that I was president was very successful. That was that in each state assemblyman's district there was a representative of the University of California whose sole job, as far as the Alumni Association was concerned, was to know and contact that assemblyman when things got tough for the university. We had it working very well.

Fry: Who was that, for instance--

Barnes: Well, it was a different one in each assembly district, you see. Down in Orange County it was "Brick" Power. That was when Orange County only had a couple of assemblymen, and Brick was a very loyal member, both of Southern Seas and the Alumni Association. Similar alumni were located throughout the state, and in any twenty-four hours, we could give notice by telephoning these men and they were talking to the assemblymen or state senators the next day. Now, of course, some of them you could never convert. The one in downtown Los Angeles lived over there on Bunker Hill in a flea-bag hotel. I hated to walk into the place every time I tried to tell him how he should vote. But at least they got some direct contact on behalf of the university.

Of course, I have some strong ideas. Not all the effort of the Alumni Association is spent in the right direction at the present time, and hasn't been for some years. I don't favor all





Barnes: these European trips, to the exclusion of working on the politicians up in Sacramento. Now we're paying the price.

Fry: What issues did you talk to legislators about?

Barnes: Well, largely finances. That's when the institutions always turn to the alumni, you know. Jim Corley was the university vice-president working in Sacramento. He was another athlete, you know, a hurdler. We always worked closely with him. He'd call for help once in a while--we'd do the best we could.

Fry: You worked in the grass roots?

Barnes: We worked with the legislators, at their home-town level--direct contact--not testifying. You have to have an expertise that the average Alumni Association member doesn't have to testify in Sacramento.

Fry: Was Warren by any chance one of these?

Barnes: He wasn't active in it. He knew what was going on, and he thought it was a good idea to have those contacts, as I recall.

Fry: It does sound like a good idea.

Barnes: Oh, it's the ideal situation, I think. But it takes an awful lot of work.

Fry: And that's not being done now?

Barnes: Well, to a certain extent it is, and increasingly so of late, but it isn't systematic. We really had it organized there at one time.

Fry: Could you comment more on how Dean Witter contributed to Warren's political campaign? Was it mainly money, or did he work too?

Barnes: I don't know enough about Earl Warren's financial backing to hazard a guess. I would think that he had contributed substantially, but I don't know.

Fry: Was he a worker?

Barnes: No, he wouldn't be a worker except perhaps to help raise funds. He'd sit in the background. Of course--this covers a period of time, you know.



Fry: Yes. What sort of a man was he?

Barnes: Oh, he was a great man. A great outdoor enthusiast. He wrote books on fishing, on trout fly fishing. I have a copy of one.

Fry: I wonder if he was one of Warren's fishing buddies.

Barnes: He might very well have been. I went fishing with the governor once, down in Baja California.

Fry: Who else went along?

Barnes: Oh, he had his pal--Ed Carty, wasn't it?--from the Santa Barbara area. Used to be mayor up there of Oxnard or something like that. This was an expedition down to Bahia de Los Angeles in Baja California, a large group. I wasn't there as any particular friend of Earl's. I was there as a friend of the people who put it on for Earl: Charlie Walker and his family who knew of our friendship. Earl flew in. We all flew in in three planes and one of them cracked up coming out, but no one was hurt.

Fry: Was this when he was governor?

Barnes: Yes. Earl and I had a very pleasant social relationship. He was at my home several times, particularly after Pappy Waldorf's Rose Bowl games. I used to invite all the California alumni at that time. We had one servant who was very capable. I remember one time, I kept asking more and more people to come in after the Rose Bowl game, and finally we served 145 people dinner that night, after the Rose Bowl game, including Pappy Waldorf--

Fry: Just your wife and one maid?

Barnes: One maid. That's all we had. Of course everybody was helping. Plenty of bartenders!

But Earl used to like the contact with loyal alumni, and that's when I first got to know and like Nina as much as I do. I'm very fond of her. She's a very sweet, modest, unprepossessing woman. I remember one time she called my wife up back in Washington, and said, "Ann? This is Nina, Nina Warren. How do you cook--?" I don't know what it was. Pheasant, or salmon, or venison--something that Earl had gotten as a present. Some type of game, you know. And she didn't have the slightest idea what



Barnes: to do with it. So she was trying to get some information.

Fry: Were you fairly close in Washington when you were both there?

Barnes: I wouldn't say extremely close, but we were good friends. Of course, his duties kept him pretty well occupied, and so did mine. We went to several football games together. Then, you see, we were both Phi Delta Phi's, a legal fraternity at Cal, so I got him to attend a meeting where we initiated [Congressman] Sam Rayburn, which was a great night--

Fry: Sam Rayburn?! At that age? [Laughing].

Barnes: At that age. Yes. As honorary member of the chapter there.

Fry: This was not a rough-and-rowdy type of initiation.

Barnes: Oh no, Oh no. Very dignified. Very dignified. That's a legal fraternity which emphasized the ideals of the profession. But of course it was always a feather in my cap to be able to know Earl well enough to say, "You want to go along, or not? If you can, the boys would love to have you." I was trying to help reorganize the Federal Bar Association back there, while I was in Washington, and I became national president. My friendship with Earl got him to attend several functions that gave the federal bar a standing.

#### Other Political Figures

Fry: Did he resign from the bar association at one time?

Barnes: Yes. The American Bar. He resigned when he was on the Supreme Court. He was criticized by the American Bar, he thought unfairly, so he resigned.

Fry: That's a chapter I don't have anything on. Is that to be found in the bar association journal?

Barnes: Well, you said that you might want to talk to somebody that was not particularly friendly to Earl. Loyd Wright was president of the American Bar just before the time that Warren resigned.



Barnes: Earl had appointed him as a member of the Racing Board, I think, here in California, in the early forties, and Loyd, who was always a very positive person, assumed he was going to stay on forever, which was his error. And they had a falling out. But Loyd is a very forthright individual. If you want to get somebody that I don't think likes Earl very much right now, why, he might be one. Still a reputable individual, you know, with standing in the community; as they say, "a few hundred feet to the right of McKinley."

Fry: [Laughter].

Barnes: He's getting along in years now, but--

Fry: Did Warren fire him?

Barnes: No. He just didn't reappoint him, as I recall.

Fry: Well, did this have anything to do with Warren resigning from the American Bar Association?

Barnes: Well, Loyd Wright was one of the very conservative influences in the American Bar at about that time, and he didn't like some of Earl's opinions.

Fry: He may have had something to do with the criticism?

Barnes: That's right. He did.

Fry: We have some clippings on Wright's charges against the Supreme Court concerning alleged subversive influence of the young clerks. Were there other charges he levied also?

Barnes: Yes. He or a committee he was on charged that some fifty-three Supreme Court decisions were pro-Communist and affected the national security from 1953 to 1959. This issue was fought in the American Bar Association in late 1959.

Fry: Leo Katcher, in Earl Warren: A Political Biography,\* says that the American Bar Association denounced the Supreme Court as being too soft on Communism and Warren resigned from the association in February, 1959. He says Joseph Ball took the lead in opposing the Bar Association's resolution. This had been going on as a live issue for about two years. Who joined with Mr. Ball?

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\*McGraw Hill Book Company, 1967.





Barnes: Katcher is wrong on his dates and therefore wrong on his conclusions.\* Barnaby Sears of Boston, Al Jenner of Chicago, Garner Antony of Hawaii, and Joe Ball of Los Angeles all spoke.

In 1957, when the Bar Association met in London, Earl Warren, as chief justice, went there at the invitation of the American Bar Association. Earl was furnished the usual car and chauffeur by the chief of protocol, as all past chief justices had been when the American Bar Association met outside of the U.S. Earl attended a symphony concert in a brown suit and brown shoes [rather than a tuxedo] and was blasted by the press both here and abroad. Although Charles Rhyne, the president-elect of the American Bar (1958) and Joe Ball both urged Earl not to resign, Earl would not listen and sent his resignation in to Rhyne. Rhyne kept it and would not deliver it to the Board of Governors. So the American Bar Association sent Earl his bill for dues the next year (1959). Earl disregarded it. The American Bar then announced Earl was suspended for non-payment of dues. Previous to that, Rhyne and Ball had almost convinced Earl to withdraw his resignation, but the dues story spoiled that.

All this happened before the anti-Communist hassle.

Fry: Were Wright and Ed Shattuck in the same end of the political spectrum?

Barnes: By no means.

Fry: Was Wright always that conservative?

Barnes: Always.

You want to know something about Ed Shattuck. Well, Ed was at Cal at the same time I was (class of '23). I knew him then. We were good friends. He was a member of the Delta Tau Delta fraternity, and active in it there. He had gone to school down south here for a couple of years, and went up there as a junior, I believe. He took his military training there at Cal, in the ROTC. He became a reserve officer and was very active in that. Then in World War II, he was a right hand man to General Hershey in the draft.

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\*Barnes writes in October, 1974: "I checked the facts with Joe Ball personally on 9/23/74."



Barnes: He was very influential in the Junior Chamber of Commerce, both locally, state-wide, and nationally. I wouldn't be suprised if he was national president. Very much interested in politics.

Fry: Did he ever run for anything, or was he more the manager type?

Barnes: Well, he was mostly a manager. He wanted to take part. Now, let me see. Yes. Four years after I was appointed to the bench, there was a group that was originally a part of Ray Haight's organization, that had the title of "California Volunteers for Good Government." They came to me and wanted me to run for attorney general. This was toward the end of '50.

Fry: Oh, really?

Barnes: As I recall, they gave me a dinner to boom my candidacy, although I had told them I would not "go." I said I didn't want it. When they voted for me to be the candidate instead of Ed, it chagrined him. Ed was very much disappointed, because he wanted to run. But it never affected our friendship, because I said I didn't want the job. I think one of the reasons I said was, "I like the bench. I'm on it. Why should I resign to run for attorney general?" They said, "Well then you can run for governor."

Fry: Was this when Fred N. Houser was attorney general? [1948-1952].

Barnes: That's right. Well, then, I almost paralyzed them by saying, "Well, who wants to be governor?" and their jaws would drop, you know. I said, "I couldn't wish it on my worst enemy. The worst job would be President of the United States. The next worst job would be the Governor of the State of California." But Ed tried to get the nomination, but couldn't get it. Ed and I remained very close friends, socially and otherwise. I was very grateful last year when I received the Price-Shattuck Award from the Los Angeles Bar Association for outstanding contribution to my profession. It's named in honor of Ed and another past president of the bar.

As a matter of fact, the man who got it the year before was Frank Belcher, who was one of Earl's confidantes with whom Earl talked over judicial appointments in the south on many occasions. He talked to him until the word got around that you had to make your peace with Frank Belcher before you could get appointed to the bench, and rightly or wrongly, that's when Frank Belcher lost his influence, in that one area, at least.



Fry: Warren didn't like this to be out.

Well, I think that Shattuck also had a falling-out with someone around here.

Barnes: Lieutenant-governor Houser? I don't know offhand.

Ed was a strange person in some respects. He married a very charming and energetic woman who was ambitious for him. That suited Ed. That's what he liked. But just as an off-the-record example, they bought a home out in Annandale that was an immense palace. It was so big and so pretentious it was almost a Versailles. With fountains, et cetera. But they could only furnish about a third of it. That was a strange house. Beautiful library. Beautiful dining room--they entertained beautifully--a living room, and then vacant spaces!

But Ed's interest in politics was always very much pro bono publico.



#### IV JUDGE BARNES AS ASSISTANT U.S. ATTORNEY GENERAL

##### Anti-Trust Cases

Fry: How did you come to join the U.S. Attorney General's office?

Barnes: In 1952 I was presiding judge of the Los Angeles Superior Court, and in 1953 I was re-elected presiding judge both times by a vote of all other judges. And in April of that year I got a phone call from Attorney General Brownell, asking me if I would come back and talk to him in Washington. To my surprise, he told me there he wanted me to become an assistant attorney general in charge of anti-trust. He said he thought if I could direct 120 judges with some degree of cooperation and efficiency, that perhaps I could run a department of 180 lawyers and some forty economists. So I finally went back there. I remember speaking to Earl about that before I left the bench, as to whether I should do it. I remember one of the things he told me on the telephone, he said, "Stan, that's a command performance. If you're called upon, if the President wants to appoint you, you go, that's all."

Fry: That's interesting, because later on he took that assignment on the Kennedy assassination largely for the same reason, as I understand it.

Barnes: That's right. I don't think it was a good thing for him to do, but I could see how it would be extremely hard to turn President Johnson down.

I don't know whether I told you before or not. One of the things that I'm proudest of is that I was admitted to practice before the Supreme Court on the day that Earl took office.

Fry: Yes. That was his first official act, wasn't it?

Barnes: Yes [displaying framed document]. That is what you get. That's





Barnes: a lawyer's "shingle." "Stanley N. Barnes of San Marino, California, on the motion of Mr. Richard M. Nixon." On October 5, 1953, Vice-President Nixon moved my admission with that of Warren Olney III (Cal, '26) and the first words the chief justice said as chief justice were: "Judge Barnes and Mr. Olney, if you will approach the clerk's desk, you may sign the roster of attorneys."

Fry: You had a big General Motors case and the Du Pont case to handle in the Department of Justice. Do you have time to give us a rundown of those?

Barnes: Well. You know, when you get into anti-trust cases, 90 percent are "big cases"--you're talking about massive litigation that takes years to run. I could talk to you for twenty-four hours on either one of those cases.

Fry: At least we could identify the case.

Barnes: Well. Turn that off till I get a book.

[Interruption]

Fry: Do you remember Murray Silverman?

Barnes: Yes. A lawyer in the Justice Department, Anti-trust Division.

Fry: He had such good things to say about you when I met him in Washington last spring. He felt that you had been most outstanding and absolutely the best administrator of that department.

Barnes: I left a lot of friends there. A great many friends. Yes. I'm continually astounded.

Fry: This was his judgment of you professionally.

Barnes: I tried to be non-political. Everybody got a fair shake. I wish I had known you wanted this detail.

Fry: Well, would it be easier for you to just refer to the case? I guess the main thing we would want would be some idea of the type of work you did there. There was another case in which you had to defend your "no position," your "we appeal position," in Congress, in the Mortgage Bankers case.

Barnes: Yes. [Pause.] You see, one of the problems is that there was



Barnes: not just the case of the United States versus Du Pont; there were several with Du Pont as the defendant. On June 30, 1949, one of my predecessors had filed a case, "United States versus E.I. Du Pont, et al." It was anti-trust case #987 in the index of cases that have been filed. It sought divestiture of the defendant's stock interest of Du Pont in General Motors and vice versa, and an injunction against interlocking directorates, cancellation of contracts under reciprocal sales, patent licenses, and so forth. That case was tried in Chicago, finally, while I was an assistant attorney general.

After much delay, the case was decided in favor of General Motors and Du Pont. I recommended to Attorney General Brownell, after studying the case, that we take an appeal. We did, and it was reversed in the Supreme Court, and went back for further hearing. As I recall, a consent decree was later entered, accomplishing some, and most, of the relief that we wanted.

The attorney general was wary about prosecuting appeals, and I had to be extremely careful what I recommended for appeal. I'm happy to say that to my recollection, and the best of my belief at the present time, that there was no case that we appealed which we lost below that was not reversed on appeal by the Supreme Court. One of the factors is that the Supreme Court at that time was rather favorable to government anti-trust cases--that is its membership was, individually, and I think that influences their judgment to some small degree.

Now, I cite that as one case where an appeal was successful. The attorney general asked me why I thought it would be successful, and I said, "Any time that the court makes findings that the original owner of sixteen (or some such) percent of the stock of General Motors (then W.C. Durant) was in a controlling position as far as the corporation is concerned, and subsequently says that Du Pont, with a twenty percent interest, was not in a controlling position as far as the corporation was concerned--there's something wrong with the reasoning, and I think we can prove it on appeal, and win." That was merely a quick answer to give him some idea of the basis of it.

On the other side of the fence, there was the case of the United States against the Mortgage Bankers' Association, where the government lost in the trial court before Judge Medina, and where I determined that no appeal should be taken. For this I



Barnes: was roundly criticized by some of the economists in the country, whose opinions I respect, but whose knowledge of appeals--of when to appeal and when not to appeal a lawsuit--I do not necessarily respect. The circumstances of that case were that Judge Medina had spent at least fifty percent of an interminable trial in discussing theoretical problems of anti-trust, to aid him in his thinking of how that case should go. We had some twenty or thirty volumes, maybe more than that, of transcript. It was a colossal thing. The expense was tremendous. So much of it could be explained as the judgment of the district court judge, that there had been no abuse of discretion in so determining what the facts were and the law that rested upon them; and therefore I recommended that we not take an appeal.

Any time that any case was dismissed, for any reason, no matter how legitimate, certain people would criticize the Justice Department for doing so; and of course, indirectly, and frequently directly, the assistant attorney general in charge of anti-trust. I always said while I was there, that as long as I was continually being editorialized against by the Wall Street Journal on the one hand, and by the People's World on the other, that I thought I was doing a pretty fair job of going down the middle.

I could go on to some of the other cases.

Fry: I have a note here that you had to go up and defend this position on the hill, with the Congress. How did Congress get into the act here?

Barnes: Oh, they hold hearings on how matters are going in the Justice Department. And one always has to justify his department's request for money, with one exception. I spent more time on the hill during the time I was there than any other officer of President Eisenhower's administration, simply because I had a system worked out whereby I had a good way to prepare, and several loyal assistants who were willing to help me. I had certain contacts between my office--I don't want to go into it in detail now--and counsel for various committees on the hill, through some of the young men who were working in those areas. And so I could pretty well know what the "embarrassing" questions were to be, and sometimes could produce miraculously and very conveniently from my briefcase the answers to those questions that started out to be embarrassing, but were in my opinion completely justified. At least that was what some commentators said.



Fry: That's an interesting position for you to be in, if you also were contributing to the legislation that was being considered. Was that the purpose of these hearings?

Barnes: Not always. But, you see, there are so many political angles that you have to stay away from. Now, I was roundly criticized by some industries for taking the position that the giving of trading stamps was perfectly proper. I was criticized by others on objecting to the fair trade laws that exist in many states, which is the state doing what they prohibit the retailers individually from doing generally; that is, fix prices across the board. A lot of it depends upon whether you believe in a lot of controls, or very few controls, or none, i.e. whether you believe in a free economy.

I have always stood for a free economy, where competition in the market place determines how successful your business is going to be, rather than controls, if that is possible. Of course I recognize that there comes a time when perhaps inflation is running wild, and there must be controls, but not as a rule. The less the better, I think. I held a job in Washington where one's political philosophy is extremely important, because it comes into play in almost everything you do, in determining whether litigation should start, or continue to exist.

#### Operation of the Justice Department

Barnes: I made a mistake when I went there, saying that I would gladly talk with any businessman who felt that he was being wrongly sued by previous administrations. The result was that I was asked to review almost every case that was pending in the department. I think I dismissed one case, and some individuals from others. But I found pretty good reasons for all that were existing. A lot more could have been filed, if you can get a staff of competent attorneys and investigators and economists that can do a business-like job. It's difficult at best to do a business-like legal job on an anti-trust case, solely because of the immense size of the litigation itself.

We served a subpoena one time upon a prominent oil company, and we got two freight cars of records in response! It just gives you some idea of the immense problems that exist. We asked





Barnes: for all papers pertaining to a certain transaction, and they gave us all the papers. We'd get one in a foreign language that looked rather exciting, with stamps and seals and everything on it, for overseas oil, and we'd find after we had it translated that it related to the right of a tanker to tie up at a certain place in a certain harbor. And that was what, of course, with great glee, the oil companies would give us in response to a broad subpoena duces tecum. Colloquially, that's known as a "snow job." It's a continual battle, and it taxes your ingenuity and your determination.

Fry: And very expensive. I can see why the government goes into these things with great selectivity.

Barnes: Yes, it has to. It's always a question of where you're going to spend your money to best get your money's worth. And Congress will say, "Suppose we double your allotment of monies for the next year. Could you double your production?" I'd say, "No. You can't do it. You can't file a lawsuit that quickly. You'd do better with more help, but it wouldn't be in exact proportion to the amount of money. There are other things that I would like to do first; that is, fire some of the lawyers and economists and hire better ones. But under civil service you can't do that." You're asked to run a law firm without being able to hire or fire your lawyers, which is an almost impossible task--one of the most disillusioning things that I dealt with back there. Most of the lawyers were good. I'm not speaking about the average lawyer. Some of them were just simply horrible, but I couldn't fire them. The only thing I could do to help the situation in any way was to assign all I could to one particular branch office, and then cancel the branch office as a branch office. And in that way I could get them transferred to some other department in the government. That's a horrible thing to do!

When I was in high school, I used to urge in debate that Teddy Roosevelt was the greatest man in the world because he was responsible for civil service. When I got through with my tenure at the Justice Department, I thought it was one of the worst things that was ever imposed on the American people, not for the ordinary jobs, but for the really professional ones.

Fry: Was there an upswing in anti-trust cases after the war?

Barnes: After World War II?

Fry: Yes. In my memory it seemed that there was, particularly against really big corporations. Is that a true impression?



Barnes: Yes. There were, because anti-trust prosecution practically stopped during the war. You see, you can't fight a war and not have some anti-trust violations. I could go into great detail. For example, one time I was told that I was to take a position, and that if it ever became public that that was the position we'd taken, the person who told me to do it would disavow that he'd given me those instructions.

Fry: You mean because of wartime activities?

Barnes: No, this was not during the war, but it was related to something that was very substantially needed in times of war.

Fry: I don't understand what you're talking about.

Barnes: Well, I'll tell you. Industrial diamonds. We didn't have enough industrial diamonds to prepare our fine instruments: our fusing of bombs during World War II. So we had to, during peace, make the arrangements to set up supplies of that nature. It is very vivid in my mind, because it was a rather peculiar situation to be in.

Just as when the Suez Canal was closed, the supply of the United States with respect to oil was so endangered that we had to approve a consortium that had certain possible anti-trust violations that ordinarily we could not have consented to. But the national emergency was such that it had to be done. So we just made the best we could out of it--to do the best job we could.

Fry: These things aren't very absolute, are they?

Barnes: No, they're not. They rest on a philosophy, you see. But it's a philosophy that has to be respected. The only thing I asked the President when I took the job was: "Do you want the anti-trust laws enforced?" He said, "I certainly do. One-hundred percent." I said, "That's enough for me. And he meant it!"

Fry: You were interviewed by President Eisenhower then?

Barnes: Well, I wasn't interviewed. You see, it was up to the Attorney General to decide who he wanted as his assistant attorney general. So Brownell had decided I was the man, so he told me. But he wanted me to meet the President and talk it over with him before I took office. After all, the President had to appoint me.



Fry: What did you think about Eisenhower as a person?

Barnes: I admired Eisenhower greatly as a President of the United States. No one could do a better job. As a one-time Republican worker, I can think of much that he could have done for the Republican party that he did not do. He was not a politician.

Fry: He was not a party man?

Barnes: No. No. A great man. A great leader. He had absolute integrity. He had me at one time, at the Attorney General's request, diagram how the government, the Defense Department under Wilson, was giving too much business to General Motors. And I was up before the cabinet showing them just how, with diagrams and so forth, with the President's full approval, as well as that of Attorney General Brownell.

Fry: With Wilson sitting right there?

Barnes: With Wilson sitting right there. I've had some interesting experiences along those lines.

Fry: What was Wilson's reaction?

Barnes: "Are you sure the figures are right?" and so forth. "I'm sure that can't be true."

Eisenhower said, "Charlie, it looks like some changes must be made." And they were.

#### When Earl Warren Was Appointed to the Supreme Court

Barnes: I greatly admired President Eisenhower; I greatly admired Herb Brownell. He was loyal, understanding, a hard worker, and a fine boss: a wonderful Attorney General.

Fry: Tell me more about Herb Brownell.

Barnes: An Attorney General who never has received the credit he should have for the way he ran the ship and the men he recruited to help him.

Fry: How were you chosen? Did you ever find out? Or why?



Barnes: Well, yes, indirectly. First, there was a vacancy in the United States attorney's office here in Los Angeles, and my name was originally suggested to the President by somebody; I don't know who. And on inquiry, it developed that if I would take that job, it would be agreeable to [Vice-President] Nixon, it would be agreeable to [Governor] Earl Warren, it would be agreeable to [Senator] Knowland, it would be agreeable to [Senator] Kuchel; and they couldn't find anybody that it wouldn't be agreeable to, so that's what started it. I never heard about that until after I went back at the invitation of Brownell with respect to being an assistant attorney general. I wouldn't ever have taken the job as U.S. attorney. I had a better one.

When Herb Brownell asked me to come back, it was something else again. I know that Nixon spoke highly of me to Brownell, and Brownell on one occasion, walking down to where he caught up with his chauffeur (so he could get some exercise in the morning), fell in step with one Herman Phleger, who had just been appointed advisor to the State Department.

Herb, knowing Herm, said, "Mr. Phleger, do you know anything about a judge out in Los Angeles named Barnes?"

Phleger said, "Stan Barnes? Sure I know him."

"What kind of a guy is he?"

"Well, he's a good man, and a good lawyer. He's had a good practice, and he's been a good judge. I gave him his first job."

There were several factors: I never knew Eisenhower before his election, and of course I'd been on the bench so I hadn't been active in politics at all from 1947 to 1953. Most of the other assistant attorneys general had been: Warren Burger, Warren Olney, Bill Rogers, et cetera.

Fry: Wasn't it you who had to check out Earl Warren for his Supreme Court appointment?

Barnes: I didn't have to check him out, exactly. Nothing like that. No. The attorney general came to me, called me in, and also called in Warren Olney III, who was then assistant attorney general in charge of the criminal division (both of us from California), and said, "Now, I want to tell you something in confidence. The President is considering appointing Earl Warren





Barnes: as chief justice, and I want you two to rack your souls, your minds, go right back to the year one, and tell me if you can find any reason, or thought, or innuendo, or inference, or more particularly, facts, as to why Warren should not receive that appointment." We discussed it at some length at various times after that, before he was appointed.

Fry: Who is "we"?

Barnes: The Attorney General and Warren Olney and I.

Fry: Did you do any legwork for that?

Barnes: Oh no. This was related to our personal knowledge of him, you see. No, no. We didn't-- No. I did that on some other appointments to the Supreme Court, but not on that one.

Fry: Oh. Well, who else did you investigate? Were any of them appointments that were made during that period?

Barnes: Yes. Some were. One in particular, but I don't want to get into that. But of course I didn't investigate. The FBI did that--made certain inquiries.

Fry: Some of these didn't make it to the court?

Barnes: Well, some related to ones that made it; others did not.

Fry: Oh. Well, maybe we'd better leave them up there then [laughing].

Barnes: Yes.

Fry: Since you're still on a federal bench yourself . . .

Barnes: No, that has nothing to do with it. It's simply that sometimes politics are very, very practical.

Fry: Yes. So that in spite of what you find out--?

Barnes: No, no. That isn't it. I couldn't explain it unless I went into the whole thing, and I don't think I should.

Fry: What we need information about is who were the main persons who suggested and worked for Warren's appointment?

Barnes: The office of Chief Justice is not one you work for, or run for. I rather think there were many suggestions and many workers for



Barnes: Earl. Remember, he had unprecedented success as California's governor. I'm sure other names than that of Earl Warren were suggested to the President, and to Herbert Brownell. But I'm also sure Earl was consistently the front runner.

Of my personal knowledge, I recall no other candidates being mentioned except in the newspapers. I'm certain there were several more at first.

Fry: How long did you stay in Washington?

Barnes: Three and a half years.

Fry: Were you in much contact with Warren Olney III at that time?

Barnes: Oh, yes. Daily contact.

Fry: He was head of the criminal division, right?

Barnes: Yes. You see, the Attorney General was very gung-ho on keeping us out of trouble by contacts with people that might want contacts with us who shouldn't have them. So he arranged to have all the assistant attorneys general, J. Edgar Hoover, the commissioner of immigration himself [General Joseph M. Swing], Bill Rogers [deputy attorney general], and the solicitor general [Sobeloff]--we all met for lunch each day. We had our regular luncheon there in the attorney general's dining room. We could be excused any time we wanted to be, but we were supposed to be there unless we were out of the city, or unless we had some other business. And Herb would bring up problems, and we'd discuss them. Each one would give his opinion as to what should occur. It was very valuable, both to us and to him, because we got to know each other so well. I was on a personal basis with J. Edgar Hoover; I never would have been otherwise.

Fry: What did you think of him?

Barnes: A wonderful man.

Fry: There are so many different opinions.

Barnes: Yes. He's getting old. A great man. The most loyal American that you have ever met. A man of great principle. Consider that to his death, the FBI has never ventured an opinion or a



Barnes: judgment on any man. The FBI will give you the facts, and let you draw your own opinion or conclusion. Now that's very unusual for any such organization.

Fry: Are you talking about their confidential briefs, or public statements?

Barnes: Both. I would think that if the President asked J. Edgar Hoover to come over, and said, "What do you know about this man's loyalty to his country?" that probably J. Edgar would venture an opinion. But no such opinions are in the FBI records. Only the facts. And the job that he did was monumental. Just monumental. You want this down?

Fry: Sure. I think this is important.

Barnes: He was sitting there one day at the time of the Rosenberg spy trials--with all of us at lunch, and a particular witness was taking the stand that day. It was a key witness, closely identified with previous Communist activities, and we were talking about how he'd come out in his appearance on the stand. We'd gotten a telephonic report as to what had happened in court that day. Kicking it around. Warren Olney, being head of the criminal division, said, "You know, I just wish I knew who--after he was excused as a witness--who this man would talk to."

The Attorney General said, "That would be valuable. Maybe we can find out." He said, "What do you think, Edgar?" Mr. Hoover said he thought he could. Well, Olney warmed up to the problem. He said, "Well, you know, the more I think of it, I'd sure like to know. Edgar, you think you could do it?"

Answer: "I can't guarantee it, but I think we can."

We talked a little more. Pretty soon, Warren turned again and said, "You know, Edgar, I think that's very important."

Edgar got a little bit upset, and he said, "Now look. If you insist on knowing, that witness is on a plane at the present time, flying between Albany and Chicago, Illinois (or perhaps it was Detroit, Michigan). The seat in front of him is occupied by an FBI man and the seat behind him is occupied by an FBI man." He said, "We'll know who next sees him."

That was the thoroughness with which he did his work. That



Barnes: made me feel pretty good, as an American.

Fry: Yes, very safe.

Barnes: At least in getting the necessary information to anyone in authority. As to how they'd react to it, or what they would do in response to it, is something else--but that wasn't J. Edgar Hoover's job.

Transcriber: Jane West

Final Typist: David Shoup







## Office of the Attorney General

Washington, D.C.

MAY 4 1953

O.F.

5

April 1, 1953

My dear Mr. President:

x w.c.

I have the honor to enclose a nomination in favor of Stanley N. Barnes of California to be Assistant Attorney General to fill an existing vacancy.

Judge Barnes was born May 21, 1900 at Baraboo, Wisconsin, is married and has four children. He received his A.B. degree from the University of California in 1922, attended Harvard Law School for one year, and received his J.D. degree from the University of California in 1925. In the latter year he was admitted to the Bar of the State of California. He was in the military service with Reserve Officer Training Corps, United States Navy in 1918. In 1925 to 1928 he was affiliated with the law firm of Boebeck, Phleger, and Harrison, San Francisco; and from 1928 to 1947 was with the law firm of Chase, Barnes and Chase, Los Angeles. In 1947 he was appointed Superior Court Judge, Los Angeles County, and is currently Presiding Judge.

Judge Barnes bears an excellent reputation as to character and integrity, is a lawyer of ability, and is well qualified, I believe, to be an Assistant Attorney General.

I recommend the nomination.

Respectfully,

The President

The White House

*Sent to Senate 4/1/53*



Barnes, Oss - ~~Willy~~ Hen

Gov. Adams  
says O. K.  
right



P.P.P.P.S. As I have thought the matter over, I am impressed with the fact that much of the direction of the California Republican Assembly came not only from the Junior Chamber of Commerce in Los Angeles, but also from an organization known as the Economic Round Table founded by Durward Howes. It met for the first time June 28, 1932, and has been meeting weekly for breakfast since that time with the exception of the three summer months. *not yet*

There were 17 charter members, of whom at least one-half were extremely active in the California Republican Assembly. A list of the charter members is attached.

Since its origin, active members have been:

Luther Anderson  
Edwin W. Askey, M.D.  
Lawrence T. Cooper  
Robert H. Edwards, Jr.  
William L. Hoyt  
W. Barton Jones  
Harry S. Lamport  
Frank A. Payne  
Bruce V. Reagan  
N. Bradford Trenholm  
Ron Stever  
John Robert White, and myself.

Inactive members *presently* during the years have been:

Alphonso Bell  
Horace W. Brower  
Clark Galloway  
Ed Harbach  
Daniel C. Hay  
Allan Hoover  
Preston Hotchkiss  
Allerton H. Jeffries  
Carlisle Lynton  
James Mussatti  
Charles H. Toll  
Carl H. Wittenberg

Deceased members are:

Kennedy Ellsworth  
Harry F. Haldeman  
Harry L. Jones  
Howard D. Mills  
Stevens Weller  
Merritt E. Van Sant

All of whom were active in certain areas of



politics during the 30's, 40's and 50's.

It may well be that this organization need not be included in my observations, but it has had a remarkable vitality and uniqueness during its 42 years of life in Los Angeles. It has, but with one exception, never had a speaker from outside its own membership. It has not had more than 50 members for many years, and each is obligated to be ready to speak on any subject (of his own choosing) when called upon to do so. It is the most intellectually satisfying group to which I have ever had the pleasure of belonging.

Let me know if you think this P.S. has any merit.

Stanley N. Barnes





ECONOMIC ROUND TABLECHARTER MEMBERS

Howard Ahmanson

Edward G. Barcome

Ralph L. Carver

Karl Lynn Davis

Franklin Donnell

George W. Elkins

Edward L. Elliott

Caine Farrell

Jos. H. Gilliland

Durward Howes

Wallace Moir

Leroy D. Owen

Ulysses Floyd Rible

Edward S. Shattuck

Arthur C. Stewart

Gerald S. Toll

E. Richard West



Presidents of the  
California Republican Assembly  
1934 to 1958

1934-1935 Sherril Halbert 4120 Los Coches Way Sacramento	1945-1946 Arthur C. Carmichael 830 Bird Drive San Jose
1936-1937 Edward S. Shattuck (Deceased)	1946-1947 G. Revelle Harrison (Dec.) <i>Los Angeles</i>
1937-1938 Robert S. Barkell 3000 Claremont Ave. Berkeley 94705	1947-1948 Arthur F. Strehlow 3122 Gibbons Dr. Alameda 94501
1938-1939 McIntyre Faries 400 So. Burnside Ave. Los Angeles 90036	1948-1949 Gordon X. Richmond 4088 Avenida Castilla Laguna Hills 92653
1938-1939 George Newell (Dec. in office)	1949-1950 Ernest L. West 165 Marina Blvd. San Francisco 94123
1939-1940 Worth Brown 36 Hollins Dr. Santa Cruz	1950-1951 Harrison H. McCall 1625 Laurel Street So. Pasadena 91030
1940-1941 William D. Campbell (Dec.) <i>Los Angeles</i>	1951-1952 Markell C. Baier 6056 Romany Rd. Oakland 94618
1941-1942 William F. Reichel (Dec.) <i>Oakland</i>	1952-1953 A. Ronald Button 5120 Linwood Drive Los Angeles
1943-1944 Carlyle F. Lynton (Dec.) <i>Los Angeles</i>	1953-1954 Albert A. Bower (Dec.)
1944-1945 Murray Chotiner 833 Dover Drive Newport Beach 92660	1954-1955 Harold C. Ramser 870 Stone Canyon Rd. Los Angeles 90024



1955-1956

Robert H. Power  
Nut Tree Road  
Nut Tree 95688

1956-1957

Dr. Robert Fenton Craigh  
160 So. Windsor Blvd.  
Los Angeles, 90004



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October 26  
1945

Mr. Roy C. Day  
Progress Bulletin  
300 South Thomas Street  
Pomona, California

*Shows  
difficulty of  
getting our  
person to meet him  
even to meet him*

Dear Mr. Day:

Re: Lieutenant Commander Richard Nixon  
Air Line Reservation.

We are glad to report, Roy, that we have some  
instantaneous "Service" for your Lieutenant Commander Nixon.

Mr. Pratt, the Assistant to Mr. Al Bone, Vice-  
President of American Air Lines, and incidentally a very  
good friend of Boyd Gibbons, has secured the following de-  
finite reservation:

Flight 102, on Nov. 4, from Los Angeles to  
Baltimore - leaves Los Angeles at 2:45 P. M.  
gets into Baltimore 11:34 A. M.

This ticket must be picked up as soon as Lieut-  
enant Nixon is here, as they will not hold the reservation  
beyond November 2, or early the morning of the 3rd. The  
approximate cost is \$130.00. They will also want to know  
ahead of time if Lt. Commander Nixon wishes to use their  
limousine service to the Air Port, which leaves down town  
Los Angeles at 1:45. A reservation must also be made for this.

Please confirm this to me as I must file your  
letter with Mr. Pratt, so that the deal will be consummated  
prior to Lieutenant Commander Nixon's picking up his ticket  
when he arrives in Los Angeles on the 2nd.

With best personal regards,

Very truly yours,

*Richard C. Nelson*

P. S. Acting on your suggestion, we have arranged a meeting  
on the 2nd at noon at the University Club and shall expect  
you and Lieutenant Nixon, also let me know if you are bringing  
any one else, as again reservations are necessary.

R. C. N.





Story sent by Nixon publicist Roy Day to every newspaper in the 12th Congressional District. It contains a blanket invitation to anyone interested in running for Congress.

Calif., Wednesday Evening, October 31, 1945 Page 3, Sec. 2

## Republicans of District Will Hear Prospects

Several potential candidates for congress will speak at a dinner meeting of the 12th Congressional District Republican Candidate and Fact-Finding committee Friday evening at 7 o'clock in the William Pean hotel at Whittier. Chairman Roy O. Day of the District Republican Central committee announced today.

Among the potential candidates scheduled to speak are Lt. Col. Frank Benedict of Arcadia, Judge Harry Hunt of San Gabriel and Lt. Comdr. Richard Nixon of Whittier, who is flying west from Baltimore, Md., especially for the occasion.

At a recent meeting in Monrovia the committee heard Assemblyman Ernest Geddes and Captain Sam Gist, both of the 9th assembly district, and Lieut. Andrew Porter, mayor of South Pasadena.

Any man or woman who has any desire to become a candidate for congress in the 12th district is invited to appear before the committee, Chairman Day said. Sid Hatch of Puente, vice-chairman of the committee, is in charge of arrangements for the Whittier meeting Friday evening.

"It is my belief that the Republicans of the 12th district can win in 1946," said Chairman Day in announcing the Friday meeting.

"We were only defeated by a small percentage last year, after dividing our strength in the primary election and then being forced to marshal our forces for the final campaign. This time we do not intend to commit that error.

"Our committee consists of approximately 100 men and women, including every leader of a Republican organization in the 12th district and representative citizens from agriculture, industry, finance, labor, veteran and civic organizations. This group, consisting of people from all walks of life, is a real cross-section of the Republican party in the 12th congressional district. It is able to ascertain the wishes of the great mass of voters in our district so as to unite before the primary on one outstanding Republican candidate for congress.

"We are determined to recommend a Republican candidate to the voters who will truly represent our district in Washington."



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Earl Warren Oral History Project

Thomas J. Cunningham

SOUTHERN CALIFORNIA CAMPAIGN CHAIRMAN  
FOR EARL WARREN, 1946

An Interview Conducted by  
Amelia R. Fry





Thomas J. Cunningham  
Judge of Superior Court  
Los Angeles, California (circa 1953)





## **Thomas J. Cunningham**

Thomas J. Cunningham, a former judge, state legislator and top lawyer for the University of California board of regents, died Sunday in an Orange County convalescent home of complications following a stroke. He was 88.

Mr. Cunningham served as general counsel of the UC regents for 18 years, playing a key role in the development of university law during a period of major expansion and student unrest. He retired in 1973.

"He was a remarkable personality in terms of his contribution to the University of California, but also to the state of California generally," said UC general counsel James Holst, who was hired by Mr. Cunningham 30 years ago. "He was an astute politician as well as being a distinguished lawyer."

Born in Los Angeles in 1905, Mr. Cunningham was student body president at UCLA, where he graduated with honors in 1928. He received his law degree from the University of Southern California. Mr. Cunningham served two terms in the state Legislature from 1935 to 1939, representing the 56th Assembly district in Los Angeles, then opened a private law practice.

During World War II, Mr. Cunningham was an Army colonel. After the war he served as one of Earl Warren's campaign managers and in 1947 Governor Warren appointed him to the Los Angeles County Superior Court, where he spent eight years before becoming UC's general counsel.

He was named UCLA's alumnus of the year in 1961. Four years later, he was elected president of the National Association of College and University Attorneys. He received an honorary doctorate of law from Chapman University in 1960.

Mr. Cunningham's wife, Ruth, died in 1990. He is survived by a daughter, Ruth C. Hunter of Orange (Orange County); two sons, Thomas J. Cunningham, Jr. of Palo Alto and Richard of Larkspur; nine grandchildren and eight great grandchildren. A private family memorial is planned in Southern California.



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## INTERVIEW HISTORY

This interview with Judge Thomas J. Cunningham was recorded January 26, and February 24, 1972, while he was the General Counsel of the Regents of the University of California, a year before the Regents conferred upon him the title of General Counsel, Emeritus (July 1, 1973). The status of the major figures of whom he speaks was in many cases quite different as the memoir progressed from tape to final copy. Richard Nixon was a successful pre-Watergate president of the United States when we recorded; Robert Kenny was a superior court judge in Los Angeles; Earl Warren was the active Chief Justice-retired, in Washington.

This office sent a rough-edited transcript to Judge Cunningham to check over May 21, 1974. He dropped it by the office soon thereafter, and by the time he was sent the final manuscript to proofread, on May 14, 1975, Richard Nixon was living quietly in San Clemente as an ex-president, Robert Kenny had retired from the bench, and Earl Warren's death on July 9, 1974, had become a historic milestone. Judge Cunningham's assessments and recollections are preserved here as he taped them in 1972.

The focus of the interview is on Earl Warren's gubernatorial race for re-election in 1946, a race he won in the primaries by out-ballotting his opponents in both the Democratic and Republican parties. Tom Cunningham, whose tenure in the legislature had been marked by similar bi-partisan victories, was Warren's Southern California campaign leader.

Information about Warren's 1946 campaign became more precious when Judge Cunningham confessed, with a good deal of regret, that he and Warren had never thought that the records from that campaign would be wanted by anyone and, after three or four years of paying storage fees on them, decided to throw them away. In this manuscript he rescues some of the data--perhaps more than the records in fact included. His recollections are combined with notes from the California State Archives Warren collection, and newspaper sources in the appendix. Also of great help before the interview was a mimeographed biography by Robert Kenny, Warren's Democratic opponent in 1946, which is available at UCLA's Department of Special Collections and The Bancroft Library of the University of California at Berkeley.



Although Cunningham had been General Counsel at the University since 1955, including some of the Berkeley campus' most tumultuous years, he chose to postpone that topic for a later paper, one which requires extended research on his part. He read former Dean of Students Katherine A. Towle's transcript\* and, "except for a date or two" verified the accuracy of her account. Of special relevance is the Free Speech movement and events that led up to it, including the crucial campus memorandum on the students' right to political advocacy that Cunningham had sent to the chancellor's office in 1961 but which did not surface when the issue began to boil just before the Sproul Hall sit-in in 1964. Judge Cunningham also includes in the appendix a speech relating to these issues.

The interviews were held in Judge Cunningham's office on the Berkeley campus. He took his job as narrator seriously and was meticulous in his efforts to record only that which he knew to be true. He went over both the rough-edited and the final-typed versions for corrections with the same conscientiousness that he had exhibited during the interviews. One could understand his value to Earl Warren in the 1946 campaign; in addition to sharing Warren's brand of moderate Republicanism, he is genial and soft-spoken. Verne Scoggins, Warren's personal public relations man, had told us that in addition to regular campaign duties, Cunningham had had much "hand holding" to do to keep the diverse elements of the Warren coalition all together. He is obviously well fit for such mediation tasks.

Amelia R. Fry  
Interviewer-Editor

20 October 1975  
Regional Oral History Office  
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University of California at Berkeley

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\*Towle, Katherine A., Administration and Leadership, with introductions by Eric E. Bellquist and Ruth Cheney Streeter, an interview conducted by Harriet Nathan, Regional Oral History Office, The Bancroft Library, University of California at Berkeley, 1970.





THOMAS J. CUNNINGHAMOCCUPATION:

General Counsel Emeritus of The Regents of the University of California.

BIRTH PLACE AND DATE:

Los Angeles, California;  
September 24, 1905.

MARITAL STATUS:

Wife: Ruth O. Cunningham; Children:  
Ruth E. Hunter; Thomas J. Cunningham,  
Jr.; Richard B. Cunningham.

EDUCATION:

Manual Arts High School, Los Angeles,  
graduated with honors (Commencement  
Speaker);  
UCLA - A.B. Degree in 1928, President  
Associated Students, UCLA Candidate  
for Rhodes Scholarship, Graduated  
with honors (Commencement Speaker);  
U.S.C. School of Law - J.D. Degree in  
1931; Chapman College - LL.D. Degree  
in 1960; Lecturer in Education,  
UCLA (1931-32); Assistant Professor,  
Military Science and Tactics, UCLA  
(1941-43).

FRATERNITIES:

Legal Fraternity - Phi Delta Phi  
Social Fraternity - Delta Tau Delta  
Honorary Fraternities - Phi Beta Kappa,  
Pi Sigma Alpha (National Political  
Science), Pi Kappa Delta (National  
Forensic).

PARTY AFFILIATION:

Republican.

STATE LEGISLATURE:

Member of California State Legislature  
for two terms (1935 and 1937).

ORGANIZATIONS:

Alameda County Bar Association; State  
Bar of California; American Bar  
Association; Bar of the Supreme  
Court of the United States;  
American Judicature Society; The  
American Academy of Political and  
Social Science; Hollywood Masonic  
Lodge No. 355; Scottish Rite; Al  
Malaikah Temple, Shrine; Honorary  
Legion of Honor, Order of De Molay;  
Ephebian Society; American Legion;



Honorary Member of "Guardians"; U.C.L.A. Alumni Association; U.S.C. Alumni Association; U.S.C. Law Alumni Association; Legion Lex; Director, California Institute for Cancer Research; The California Citizens Legislative Advisory Commission; Director, National Association of College and University Attorneys 1963-64, Vice President 1964-65, President 1965-66.

ALUMNI ASSOCIATION  
AND REGENT:

Past President of U.C.L.A. Alumni Association (1953-55) and ex-officio Regent of the University of California (1953-55); Recipient of U.C.L.A. 1961 Alumnus of the Year Award.

MILITARY RECORD:

Colonel in Infantry, World War II--Served in American and European Theaters. Awarded Legion of Merit.

LAW, JUDICIAL AND  
NATIONAL RECOGNITION:

Forty-two years in law (including military service). Seven years associated with the Los Angeles law firm of Fredericks, Hanna & Morton, later Hanna & Morton. Eleven years in own offices in Los Angeles. Eight years as a Judge of the Superior Court of Los Angeles County. Eighteen years as General Counsel of The Regents of the University of California until retirement, July 1, 1973.

Appointed to the Superior Court by Governor Earl Warren in September 1947. Presiding Judge of Domestic Relations Department in 1949. In 1951 was Presiding Judge of the Criminal Departments and in charge of the Los Angeles County Grand Jury. Received national recognition for work in Domestic Relations, with articles appearing in the American Weekly, Reader's Digest and Cosmopolitan. Listed in Who's Who in America since 1968-69, Vol. 35; 1972-73, Vol. 37.

WRITINGS AND ARTICLES:

"Education - Conciliation", Virginia Law Weekly (dicta) Vol. 2, 46-49 (1949-50).

"The Lawyer as Family Counselor as The Judge Sees Him", University of Kansas City Law Review, Vol. XXII, 45-47 (1953)



"Procedure in Default Divorce Cases" - No. 48 of a series of Reprints by the Committee on Continuing Education of the Bar of the State of California (1955)

"Needs Are Great But The Cost Is Small," California Monthly, Vol. LXVII, 29-31, 46-47 (March, 1957) and the U.C.L.A. Alumni Magazine, Vol. XXXII, 8-11 (March, 1957)

"Instructing Juries," Vol. 32, Journal of the State Bar of California, 127-136 (March-April, 1957)

"Lawyers and Their Clients: Contributions to Higher Education," American Bar Association Journal, Vol. 43, 503-574 (June, 1957)

"You Can Help Medical Education Pay Its Own Way," California Medicine, Vol. 87, 350-352 (November, 1957)

"The Tax Credit Plan for Parents," College and University Business, Vol. 23, No. 6, 19-20 (December, 1957)

"Should Instructions Go Into The Jury Room?" Journal of the State Bar of California, Vol. 33, 278-289 (May-June, 1958)

"Legal Aspects of Campus Unrest" - Delivered at National Association of College and University Attorneys' Conference - New Orleans, June 24, 1965

"Some Comments on Campus Unrest and The Role of the University Attorney" - Delivered at the National Association of College and University Attorneys' Conference, Colorado Springs, Colorado, June 20, 1968

"Tenure and Non-Tenure" - Delivered at the National Association of College and University Attorneys' Conference, Louisville, Kentucky, June 1971



CITATION FOR THOMAS J. CUNNINGHAM

DOCTOR OF LAWS--Chapman College--June 5, 1960

President Davis, the jurist, educator, and civic leader that we present today is a distinguished Californian born in Los Angeles. In 1924 he graduated from the Manual Arts High School as an honor student and the following year enrolled in the University of California in Los Angeles. His university record was one of high achievement and superior leadership. He was voted membership in Phi Beta Kappa, Pi Sigma Alpha, the National Honorary Fraternity in Political Science, and Pi Kappa Delta, the National Honorary in Forensics. He was elected President of the Associated Students and was the University's candidate for the Rhodes Scholarship. In 1928 he received the Bachelor of Arts degree with honor, delivered the class address, and moved on to the University of Southern California to complete the Bachelor of Laws degree in 1931. The following year he returned to his alma mater, the University of California at Los Angeles, as Lecturer in Education and later as Assistant Professor of Military Science. Through the years he has continued to serve his University in such capacities as President of the Alumni Association and as ex-officio Regent.

In addition to starting a successful law practice in Los Angeles, our honoree was elected in 1935 to the California State Legislature where he served for two terms. In the war years





Following, he served as a Colonel in the Infantry in both the American and European Theaters and was awarded the Legion of Merit.

The post-war years were marked by a return to civilian legal practice and an appointment by Governor Earl Warren in 1947 as Judge of the Superior Court of Los Angeles County. In 1949 he became presiding Judge of the Domestic Relations Department where he received national recognition for his work in domestic relations with articles appearing in the American Weekly, Reader's Digest, and Cosmopolitan. In 1951 he was made Presiding Judge of the Criminal Departments and given charge of the Los Angeles County Grand Jury.

As a jurist he has found time to devote to many professional and civil organizations such as the State Bar of California, the Bar of the Supreme Court of the United States, the American Judicature Society, the American Academy of Political Science, the Hollywood Masonic Lodge, the Scottish Rite, the American Legion, the Lincoln Club, and the Commonwealth Club of California to mention only a few. He has also served as Director of the California Institute for Cancer Research.

In July of 1955 he resigned his judgeship to accept the appointment as General Counsel of The Regents of the University of California, and four years later he was made Vice-President and General Counsel of the University of California--the position he now holds.



There are those close to Judge Cunningham who have shared the years of accomplishment with him and have helped to make them cherished years as only a family can. We should also recognize today Mrs. Cunningham and their three children Ruth Cunningham Hunter, Thomas J. Cunningham, Jr., and Richard B. Cunningham.

Mr. President, Chapman College honors herself in honoring Thomas J. Cunningham with the degree of Doctor of Laws.



I CAMPAIGNS IN THE FIFTY-SIXTH ASSEMBLY DISTRICT  
[Interview 1, January 26, 1972, Tape 1, Side A]

Fry: I thought first you could describe just what your political experience had been up to the time you started working for Governor Earl Warren.

Cunningham: Until the Governor asked me to manage his campaign in Southern California for the 1946 gubernatorial race, I had served in the State Legislature for two terms, from January 1935 to January 1939. I was elected from the 56th District. That district was in the East Hollywood area. At that time it consisted of approximately 19,000 more Democrats than Republicans.

In those days the Riverside Drive area was referred to as "the river bottom". It was overwhelmingly Democratic. The precincts would run around 375 Democrats to 25 Republicans. Then I also had the Echo Park area that was all Democratic and organized labor. Contrasted with those sections, I had the Los Feliz Hills, that was a Republican area.

So prior to managing the Governor's campaign, I knew what it was to have an area that you had problems with in trying to satisfy people of different party affiliations.

Anyway, I was elected for two terms and had always indicated from the beginning that I would serve two terms and no more - and I stuck to it.

Fry: Really? Why?

Cunningham: I was just a young fellow, with a wife and baby daughter, practicing law, and at that time my salary was \$100 a month -- just the same as it was in the



Cunningham: Legislature. The state paid us \$1,200 a year in the Legislature for the second year. The first year we were paid on the basis of \$11 a day and when that was used up we had no money. Anyway, I had to make the decision whether I was going to follow a political career or not.

I was first broached by some young men in the California Republican Assembly, trying to encourage me to run in the 56th District because of the incumbent. They thought that perhaps I could beat him because of his poor record. I'll never forget talking with an older man and asking his advice.

He said, "Tom, go ahead and run. I think you could be elected. But remember this, if you are going into politics, know when to step out. Otherwise you are going to come out an old man, broken in health, broken in spirit, and broken financially."

I walked out of his office thinking, "Broken in health, broken in spirit, and broken financially." I came to the aforesaid conclusion then. Another one of the things that made me come to that conclusion was that I wanted a larger family, and I wanted a happy home life. Even though I enjoyed politics and I still do (it is like my service in the army - you get it in the bloodstream) I thought that I would forego a political life even though I might enjoy it. But I always remembered that admonition - "broken in health, broken in spirit, and broken financially."

Fry: Didn't this put you in as a two-term lame duck and inhibit your effectiveness?

Cunningham: No, not in any way. I didn't make a lot out of that. If someone asked me, I told them. I'll never forget talking to Assemblyman Tommy Maloney, who at that time was the dean of the Assembly. When I told him I was only going to serve two terms and no more he said, "Oh, Tommy, that is what they all say. You just wait and see." So I said, "All right, we'll wait and see," and I stuck to it.

Fry: So they didn't really believe you were serious. I have one more question on this. How did you as a Republican get elected in an overwhelmingly Demo-





Fry: cratic district? Did you run on both tickets?

Cunningham: Yes. I ran on both tickets. I just decided that if I was going to run I was going to win, and I got more votes in every precinct along the river bottom than Franklin Delano Roosevelt did. Yet I lost the so-called "silk stocking" district up in the Los Feliz Hills where I lived. But I still got enough Republican votes to win in the primary, even though the Los Angeles Times was against me.

Fry: So you won both primaries?

Cunningham: Oh, no. I won in the primary on the Republican ticket. But I still had to win over my Democratic opponent. Guy Vandegrift was the Democratic opponent, who was an EPIC candidate. He beat the incumbent, Bert Callahan, a Democrat who had been up there for some time.

Fry: Well, then you left office at the end of 1939 and didn't run again --

Cunningham: That is right.

Fry: Then you worked for Warren in '46. What were you doing between '40 and '46?

Cunningham: I was working with the law firm of Fredericks, Hanna and Morton, which is now Hanna and Morton. I left that firm in 1939 to open my own offices in the Rowan Building in Los Angeles, and I had my own practice from 1939 to 1941. At that time I was called to active duty in the army and I had to close my offices.

Fry: You went to the army in World War II and when you came back --

Cunningham: I came back; and I recall in coming back I stopped at the State Capitol to say hello to the Governor. He wasn't in and I left my card.

Then I reestablished my law practice. Three or four lawyers or firms had taken over, as they did in those days to help out, and most of my former clients all came back to me, and I again opened my own offices.



## II JOINING THE 1946 WARREN GUBERNATORIAL CAMPAIGN

Fry: Now how did you get involved in the '46 campaign?

Cunningham: The first inkling I had that the Governor or anyone was interested in my managing his campaign was when I got a call from Raymond Haight. He asked me if it was possible for me to come out and see him. He was ill. I asked him why he was calling me, and what the substance of the subject was that he wanted to talk to me about.

He said, "Well, it has to do with Governor Warren's campaign. I'd prefer to discuss it with you when I see you."

So I went out to talk to Ray Haight at his home. He was Republican National Committeeman.

Fry: You must have been pretty curious by the time you got there!

Cunningham: Yes, I was.

Fry: Did Haight die that year?

Cunningham: No, no. It wasn't until some time after that that Ray passed away, in September of 1947.

Fry: Well, at any rate, you must have told him yes.

Cunningham: No. Earl Warren didn't delegate decisions like that to anyone. Haight indicated to me that he had been talking with some others (he mentioned the name of Kyle Palmer [political writer for the Los Angeles Times]) and they were going to suggest my name to the Governor. So there was nothing definite, and in fact, I didn't tell him that I would do it. It



Cunningham: was just a preliminary conversation. I certainly didn't decide, and he didn't have any authority to speak for Earl Warren.

Fry: So how did they finally sign you up?

Cunningham: As I recall, Kyle Palmer asked me to have lunch with him and talked to me and said that he had also mentioned my name to Earl Warren and said that he hoped that I would consider it. My big problem was the fact that I had just started to practice again, and I had a lawyer working for me and I had considerable overhead. I just wondered if I could take the time out which I knew that it would take, or at least the time I knew that I would put in if I did the job.

Fry: Why would a person be motivated to work in a campaign? Especially when you had more or less retired at an early date from your own campaigns?

Cunningham: Only because, as I told Earl Warren when he telephoned me to ask me to do it, I admired the way he had performed as Governor. I thought that he was outstanding. He was completely honest and he came up to everything that I had ever hoped to see in a man in public life.

Fry: You and he had a bi-partisan approach to politics, apparently. You had that much in common.

Cunningham: Very definitely. I had Democrats in my Assembly district working for me that I don't believe had ever supported a Republican before. There were many Democrats in the district that supported me.

Fry: What was your exact title in the Warren campaign?

Cunningham: Mrs. Fry, you are going to have to remember that this was about 26 years ago!

Fry: And your title is different on each record that I have!

Cunningham: I think my title was Manager of Earl Warren's Campaign. However I was just the manager of Southern California because Murray Draper, who is now a Justice on the Court of Appeal, was the northern campaign manager.



Fry: And that included fund-raising, I guess?

Cunningham: I had really nothing to do with fund-raising. We had a committee of five or six men that were the fund-raisers for Warren. But I had nothing to do with fund-raising, other than at times I would talk to members of that committee. I don't believe I ever met with the committee. In fact, once I told the chairman of the committee that I'd really like to meet with them because we were cramped for money and I knew that maybe if we could get \$10,000 more to do what we wanted to do, there would be no question but that Earl Warren would be elected in the primary on both tickets. I thought he would be anyway. Both the Governor and I, many times, talked about it and laughed about it: that we were the only two who were convinced that he would be elected in the primary, and we did it in spite of the fact that the finance committee kept saying that they had to save some of the money for the general election.

Fry: Who were these men on the finance committee? Do you remember?

Cunningham: I just can't recall the name of the chairman. I can see him to this day, and I've tried to refresh my recollection.

Fry: I just wonder if his name is on any of these campaign finance reports here?

These are all the people who contributed to Earl Warren personally, to his Sacramento headquarters. I think that is the only campaign report that was required.

Cunningham: No, I don't see any names here of those that were on the finance committee. I see the name of Preston Hotchkis; Preston was active in the campaign and a strong supporter of Warren's, but he was not on the finance committee.

The only ones that I recall that were definitely on the finance committee were Asa Call, Willard Keith, and Mendel Silverberg.

Fry: Did Edwin Pauley help with this campaign?





Cunningham: No, not in any way - to my knowledge. I didn't meet Edwin Pauley until several years later.

Fry: As I understand it, the Southern California campaign was more or less responsible for financing itself. Is that right?

Cunningham: No question about it. At the beginning there was some talk of pooling the money statewide. But the finance committee in Southern California indicated that they didn't know how much the northern committee could raise. They in the south felt that they would raise more than Northern California would raise, and they wanted to use their own money. They didn't want to pay for the Northern California campaign.

Fry: Was a meeting held for that?

Cunningham: No, this was just talk, so to speak. I got it from the finance committee themselves, and I know it was discussed with the Governor. They just wanted to have the Southern California campaign independent.



## III CAMPAIGN ORGANIZATION

Fry: In the organization and the way you got your supporters gathered together, did you have anything left over from the '42 or the '44 campaigns - people who were interested, who gave you a nucleus to start with?

Cunningham: None at all. From time to time Helen MacGregor or Verne Scoggins or "Pop" [Merrell] Small, someone in the Governor's office would phone me and say, "We have the name of so-and-so who might be interested in doing some work." But there was no organization, no nothing. In fact, Earl Warren made it very clear to me. He would say, "Tom, I don't have a political machine. I never want a political machine. I would rather have you get new people, new faces, people that have never been in politics, people that are willing to support me on my record."

He made it very clear, too, that he didn't want Murray Chotiner to have anything to do with the campaign because he had had some experience, evidently, with Chotiner, who had worked in other campaigns, and he told me that that was one thing that he wanted me to watch and that Chotiner was to have nothing to do with it.

Then I asked him about Bernard Brennan, who had worked in several Republican campaigns, and he said yes, Bernie was all right, if I wanted to hire Bernie. You see, that is where we had a man who was hired.

Fry: Yes. Is that what Chotiner was, too, a professional political organization worker?

Cunningham: Yes, but I don't know that Murray Chotiner always



Cunningham: received money in campaigns. He was a person that liked politics, and he liked to get into campaigns, and he was efficient in campaign organization. But that is where I had to call on Bernard Brennan for advice in addition to my own ideas and how I thought a campaign should be run. I had had enough experience with precinct workers and problems of campaigns that I knew pretty much the way I thought it should be run.

Fry: When you are handling a bi-partisan campaign like that, what do you do with the tried-and-true party workers?

Cunningham: That was one of the big problems we had to face all the time because we had headquarters on 5th Street, and it was separate and distinct from the Republican headquarters; the Governor was criticized by the die-hard Republicans because he wanted to conduct a bi-partisan campaign headquarters. We had Democrats working as well as Republicans.

Fry: How did you get these people together? I wonder if any of them came from your experience in your previous campaigns.

Cunningham: Yes. I had people working in the headquarters like Nina Dodsworth, who was a lady that had worked for me. I didn't know about her activities in my Assembly district campaign until my campaign was half along and I found that she was out pushing doorbells every day and working for me just because she believed in me, I guess. I got her in the Governor's campaign.

Fry: Was she a Democrat or Republican?

Cunningham: She was a Republican.

One of the biggest problems I had was to find a woman to handle the women's division. That was the hardest thing, and I discussed names on two or three occasions with Earl Warren. There were a lot of women who had been in Republican campaigns and a lot of women who would have liked the prestige of being in charge of the women's division. But I finally decided on a lady by the name of Mrs. Goddard. I had quite a time getting her to accept because she had been so active in PTA work and she had a family



- Cunningham: and she told me she just couldn't put in the time on it. Finally I talked her into it.
- Fry: How did you manage to keep the partisan literature out of the Warren Campaign Office and the Warren campaign structure?
- Cunningham: We just made it a very definite point to do it. I instructed Bernard Brennan that no other campaign literature was to be in the headquarters and there would be a lot of people who were for Earl Warren and were also working in Democratic Congressional campaigns and in Democratic Assembly district campaigns. They'd come into headquarters and every time leave or try to leave some of their campaign literature for other candidates. We had it organized so that they were honestly told that it was a bi-partisan campaign and not to do it. If the material was left there, it was put aside.
- Fry: I wondered about the problem of some of the other Republican candidates pressuring you for Warren's endorsement.
- Cunningham: No question about it! They said that the head of the ticket ought to be carrying the rest of the ticket. But remember that this was the primary, and there would be several Republicans running in some Congressional districts, as well as Assembly districts. It just wasn't a good thing to select some candidates over others. A general election is always a different problem, but not in the primary. But the problem that we had with the Republicans was that it was bi-partisan, and we had so many Democrats working in the headquarters and we had so many volunteers, and a few paid workers but we didn't want to alienate anyone. We had people working that were for the Democratic slate, other than Earl Warren. Then we had different ethnic groups.
- Fry: You had Kenny Washington [Negro]. How did you get him interested? He was a big football player.
- Cunningham: Yes. I knew Kenny at UCLA and I asked him to have lunch with me which he did. I asked him if he would head a committee since we had a very definite problem in trying to line up some of the black vote around Central Avenue and other areas of Southern





Cunningham: California including Watts. He indicated that he'd have to talk it over with his wife. I had two or three meetings with him. Finally, after about a week and a half, I telephoned him and he said he would do it.

Then I suggested some people that might be willing to work with him, like Paul Williams and Betty Hill and some others. I told him I could give him some suggestions, but there again, I was going to leave it entirely up to him, and that I hoped that he would go out and get some very good people to make up a campaign committee.



#### IV OPPOSITION FROM THE DOCTORS

- Fry: You had a number of groups like that. I'm wondering if you had anything like "doctors for Warren" because this was after he had fallen from grace with the California Medical Association because of his attempts to put through state medical insurance.
- Cunningham: That was a problem, just as much a problem as the black vote. I knew all the doctors. When I was in the Legislature I had introduced a bill on health insurance.
- Fry: You were there when that very liberal 1935 bill was defeated?
- Cunningham: Yes, and I was against the bill that you say was the most liberal bill on socialized medicine. I was definitely against it. But the California Medical Association was afraid that it might go through. So they wanted a bill that you might say was a compromise, and they asked me to introduce it. Because it was a compromise and a good bill, I did introduce it. I forget if there were any others on the bill with me as authors or not. But I introduced it, and it lay dormant. When they got enough power and opposition to the bill that they referred to as socialized medicine, they didn't want me to go ahead with my bill.

That raised a really interesting problem in 1946. The doctors and dentists - and when I say doctors I don't only mean the M.D.s, but in those days there was quite a feeling between the osteopaths and the M.D.s - but they all supported me. I knew most of the outstanding doctors in my Assembly District, and they did everything they could to help me. So



Cunningham: when they were raising so much opposition to Earl Warren, I invited all the past presidents of the Los Angeles County Medical Association to have dinner with me, as my guests. I recall we had a dinner meeting at the Los Angeles Athletic Club. I think that out of the something like twelve past presidents of the Los Angeles County Medical Association I had about nine or ten of them there that night, and I shall never forget it.

One doctor started out, in fact he was a fraternity brother of mine and our own doctor. The doctors had asked him to come to the meeting because he knew me so well.

He indicated that they liked Earl Warren but that Warren had gone too far. But they didn't like Bob Kenny and if Warren would just indicate to them that he had, quote, "his belly full", end of quote, they would support him.

I told them that they didn't know Earl Warren, that he would make no such commitment. Then we **got into** quite a discussion and I remembered **that the** Ross-Loos Clinic in Los Angeles had supported that very liberal medical bill that you referred to. At dinner that night Dr. Loos was there. He had become very successful and was making a great deal of money. He was then advocating these doctors' very conservative program. He was quite surprised when all of a sudden I took him on.

I said, "Dr. Loos, do you remember that you were working with Paul Dodd?" (Paul Dodd was later a vice-chancellor of UCLA and still later president of San Francisco State College. Paul had been working with this liberal group and in the summers had conducted a lot of surveys on health insurance.) I continued, "Dr. Loos, I don't want to **embarrass** you, but you recall that you were for the most liberal legislation and now you are taking a stand against Governor Warren, who is for legislation more conservative than that you helped advocate?"

I think he was somewhat **embarrassed**.

Fry: Had he been for the socialized medicine bill, or your bill?



Cunningham: He'd been for the socialized medicine bill.

Then they were all amazed when I said, "Gentlemen, you can talk to Ben Reid (their lobbyist). You will recall that Ben gave me your bill to introduce, which I did."

If the socialized medicine bill had gotten very far they were going to ask me to proceed with mine, and that bill is exactly like the bill that Earl Warren had introduced that they were later against. I cannot give you the details because of the 26 years that have intervened, but anyone could compare my bill that I had introduced for the California Medical Association and the legislation that Earl Warren had advocated and I think they'd find it was practically verbatim.

Anyway, Mrs. Fry, in order to answer your question, we were never able to fully satisfy the doctors. I recall that they wanted to have a meeting with all the doctors, and I didn't think that it would do any good but I told them that I was sure Earl Warren would attend and they could really ask him any questions. The Governor was very willing, and about two or three weeks later there was a large breakfast meeting at the Biltmore Hotel and I attended with the Governor. He had a 9 o'clock appointment down at the City Hall, and it was so difficult for me to try to break it up to get him away, because they'd keep asking him questions, and he was so nice about it that he stayed there and didn't get away until about 9:30. But some of them were pretty tough with their piercing questions.

Fry: At that meeting did they indicate to him that they wanted him to say he would be a nice boy from then on and not fight for any of this health insurance legislation?

Cunningham: The answer to your question is yes.

Fry: And what was his answer to their question?

Cunningham: The Governor just said, "Gentlemen, I have made my position clear. My record speaks for itself, and I am not going to make any promises of anything that I wouldn't carry out."





Fry: Yes, the stubborn Swede again.

Cunningham: Yes.

Fry: That's fascinating. I am so glad we got this story. It fills in a gap. So at any rate, you didn't have the support then of many doctors?

Cunningham: Yes, I would say that the majority were for him. There were some in that room. The majority couldn't help but be for him because he was so honest and straightforward and told them just frankly what he thought, that his bill was not socialized medicine. (I knew that they had asked me to introduce practically the same legislation and would have pushed it if the bill for socialized medicine had a chance of passing.) They couldn't help but admire his honesty even if some of them couldn't see the forest because of the trees! I would say that he had the support of the majority. Maybe some of them didn't vote for him in the primary, but they were more for him than they were for Kenny and they really felt -- as some of them explained it to me -- some would even put it, he was "the better of two evils."

Fry: So you think that he had the support of the majority in the primary?

Cunningham: Oh, yes, I think that the majority of the doctors in the primary supported Earl Warren. You see, though, we didn't carry Los Angeles County. I believe as I recall - and again I have to go by my memory - I believe that we were the only county in the state in which Earl Warren wasn't elected on both tickets. But the Governor and I both knew that he was so strong in other parts of the state that if we could hold our own in Los Angeles County, he could still be elected in the primary. In fact we were both pleasantly pleased -- and we discussed it on election night as the returns were mostly in -- that we had gotten an even better vote in Los Angeles County than either he or I had anticipated!

I want to just add this. I want it in the record that the doctors were fine persons and they were just as sincere -- the great majority of them were just as sincere as could be! That is why I indicated before and I say now that I am sure that



Cunningham: we got practically all of their votes.

Fry: Well, that was hard work on your part.



V PATTERNS OF SUPPORT  
[Begin Side B, Tape 1]

- Fry: Did you use county Republican committee members? Or, for that matter, county Democratic committee workers? Was this a good pool of labor for you?
- Cunningham: Oh, speaking of labor, we had a labor representative working right in our headquarters.
- Fry: Lew Parrish, of the Teamsters?
- Cunningham: Yes, yes, Lew Parrish of the Teamsters. He handled labor and we had a lot of the different unions volunteering labor support.
- Fry: Yes, Warren's labor support appears to be at its peak at this election.
- Cunningham: Yes, and you see we not only had the support of the AFL - and I repeat, in those days the AFL and the CIO were separated, and I think some of the CIO were supporting Bob Kenny.
- Fry: Yes.
- Cunningham: But we had the AFL and we also had the support of the Los Angeles Times, completely!
- Fry: [Laughing] That is about as bi-partisan as you can get!
- Cunningham: We had the support of practically all of the newspapers.
- Fry: You had someone organizing other Southern California counties?



Cunningham: Yes, Victor Hansen, who was later Judge Hansen, was in charge of the counties and tried to conduct a liason so that we knew what other counties were doing. My work was primarily right there in Los Angeles County where we had the bulk of the votes. But I likewise knew what was going on in all other Southern California counties. Vic Hansen was in touch with the editor of the paper in Santa Barbara - my very good friend, who just died, Tom Storke. Tom Storke's paper or papers were for us, and Tom Storke was a Democrat - a lifelong Democrat. In fact he was United States Senator for a month or two after Senator William Gibbs McAdoo died.

Oh yes, you asked about other Democrats. One Democrat that we had working for us that did such a swell job, who had always been active in Democratic circles, was Mrs. Legg, the wife of Supervisor Herbert Legg of Los Angeles County. Herb Legg represented East Los Angeles. Mrs. Legg had been very active in the Democratic party and when we publicized the fact that she was for Earl Warren and came out in the newspapers with a strong endorsement of Warren, she said that she was having a hard time living with some of her Democratic friends for so openly working for Earl Warren!

Fry: You had some interesting things going on aside from Earl Warren's own historic primary victory: President Nixon was running for Congress for the first time against Jerry Voorhis in the San Dimas area.

Cunningham: Well, it was out in that area. I think Murray Chotiner was working at that time for Dick Nixon. But we had no problems in that connection at all. They were conducting their own campaign and they had such a fight against Jerry Voorhis that they were glad to conduct their own campaign.

Fry: Was there any attempt to get Warren's endorsement of Nixon?

Cunningham: No, no more than any other Congressional candidates or Assembly or Senatorial candidates wanted his endorsement. That was a general problem but some of them knew better than to even ask.





Fry: Now Earle Lee Kelly had kind of made a bid to run for governor in the Republican primary.

Cunningham: He was the one that probably worked the hardest to get support. I think that Earle-and I mean Kelly - found out for himself that he couldn't beat the incumbent Governor because of the tremendous support Warren had. Warren had support not only from labor because of his stand on labor issues, but, as I've indicated, he had the Los Angeles Times behind him; he had been the Grand Master of the Masonic Lodge of California, so he had the Masons for him. I went with him to Cardinal MacIntyre's home - he had Catholics for him, as well as the Jewish community and other groups like that.

A lot of that support came by virtue of not only his record, but for instance, in his appointments to the bench. He believed that all segments of society and all philosophies should be on the bench. He many times told me, "Wouldn't it be too bad if we had everyone thinking alike?" There is one thing he did on his appointments. He believed that there should be Catholics and there should be Jews and there should be Protestants, and whenever he made an appointment it was an outstanding man. I could give you examples.

Fry: And he really did try to keep them sorted out for a variety of backgrounds on the bench?

Cunningham: He did, yes. He used to discuss some appointments with me. I would do checking for him, as he had others do checking. I would hear, for instance, it was rumored that someone was going to be appointed. I would think, well, I don't know as they are because the Governor has never discussed it with me or I don't know what checking he's done. But nevertheless, he had done it. And they were outstanding!

Fry: What about the Jewish support? Who did he have beside Louis B. Mayer?

Cunningham: Oh, one in particular, whose name I can't think of now. I'd have to go back over it and think about it.

Fry: The reason I ask you is that there was one dis-



Fry: grunted -

Cunningham: Oh, yes, one person, who was very active in the campaign and he may have been on the finance committee, was a lawyer in Los Angeles with a big firm at the corner of 6th and Grand and I'd have to go over the list of attorneys - well-known. He's dead now - very active in the campaign. [The name of Mendel Silverberg was later given us by Judge Cunningham.] There were a lot of Jewish people, like there were people of every nationality.

Fry: Of course there were Louis B. Mayer and Jesse Steinhart. But there was one memo from Sanford Goldner to Paul Pinsky in the International Longshoremen's files in which Goldner says that George Stiller informs him Earl Warren has disregarded all requests to come and talk to Jewish groups - until just before the primary. They were disgruntled.

Cunningham: Of course that was true with all groups and it is true with any man in public life. You just think of the population of the State of California -- even what it was then -- and no man in public life can personally appear before all the groups that want him to.

Fry: Yes. You must have had problems smoothing ruffled feathers.

Cunningham: Very definitely, and I had to do a lot of talking. One of the problems we had was in connection with the FEPC. [Fair Employment Practices Commission.] John Anson Ford was one of our main oppositions in Los Angeles County. I remember speaking on behalf of Earl Warren in the Biltmore Hotel one time. John Anson Ford came up and criticized Warren as not being sincere and told me that I wasn't going to get anywhere supporting Warren because he, John Anson Ford, had always been an opponent of mine. He fought me in my district in both my campaigns. He lived in my district.

Fry: He was working for the FEPC proposition on the ballot?



Cunningham: Well, he was for FEPC but primarily he was for Bob Kenny. He was very active for Bob Kenny, and he said as far as the FEPC went that Warren was not sincere, that Warren had endorsed the FEPC when he was Governor but that Warren really didn't believe in it. He also quoted Greene, editor of the Independent Review, a legal journal in those days that was against Earl Warren.

I told John Anson Ford that was not true.

Fry: Did Warren endorse the FEPC initiative in that campaign? Because it was quite a hot issue on the ballot.

Cunningham: I can't tell you about any specific proposition. But I know that Warren, yes, was for the FEPC in some form. He made no bones about it and a lot of the Republicans didn't like it. But he was very sincere as his subsequent actions indicated, not only when he was Governor but also as Chief Justice of the United States.

[End of Side B, Tape 1]



VI THE ROBERT KENNY CANDIDACY FOR GOVERNOR, 1946  
[Interview 2, February 24, 1972, Tape 2, Side A]

Cunningham: You indicated to me that you wanted to get my thoughts in connection with Bob Kenny's candidacy for governor against Governor Earl Warren. Bob Kenny and Earl Warren had always been pretty good friends. Kenny had supported Earl Warren for Attorney General, and as you recall, Warren was the only Republican elected in the 1938 campaign. Then when Earl Warren was Governor, Bob Kenny was Attorney General. And there was always a very friendly and cooperative feeling.

It appeared that Kenny was the most likely person to run for governor against Earl Warren, and there was a time when he had the very liberal vote urging him to be a candidate. But I would say that he was a reluctant candidate for some period of time. He had been a judge of the Superior Court in Los Angeles County. As an attorney I had appeared before him in court. He was an excellent judge; he was the presiding judge of the Law in Motion Department. At first as I knew Bob Kenny he was somewhat conservative. Then he became interested in the National Lawyers Guild and the CIO and they're the group that started urging that he should be a candidate for governor.

Fry: I'm surprised that he was ever conservative.

Cunningham: Well, in some respects he was. He had support of a lot of conservative Democrats and Republicans, and I thought that he made an excellent judge and had done some wonderful work in analyzing all the bills that had been introduced in the Legislature, and in his conduct on the bench at that time.





Fry: Would you have classed him as a conservative judge, whatever that means?

Cunningham: No, I wouldn't say he was a conservative judge, but he certainly wasn't a leftist. I suppose you'd say he was a liberal, but I'd never gone into his politics and that had never entered into the picture.

It was an interesting story, the one he tells, how he was appointed a judge of the Superior Court because of working for Governor Rolph's election. He told me that he learned through a good friend of his that James Rolph was coming to campaign in Los Angeles County, so he found out the route of march Rolph was going to take, and he told me that at the corner of Temple and Broadway he was passing out Rolph literature when the limousine drove by, and he handed one to candidate Rolph. And that was the beginning of his effort to be appointed to the Superior Court.

Fry: In his autobiography, he tells about how he hires some out-of-work actresses, who were rather comely, I guess, and they managed to get bumper stickers on the cars heading north out of Los Angeles while Rolph's car was heading south.

Cunningham: I'm not surprised. Kenny laughs about it to this day.

Fry: Was he a member of that economy bloc in the Legislature?

Cunningham: Well, that I don't recall.

Now the next question you asked me was about the Democrats' "Package Deal."

Fry: Yes, in general what was your impression of Kenny's campaign?

Cunningham: Well, you know right after he announced that he was going to run for governor, he went to Europe to represent the National Lawyers Guild in the Nuremberg trials. So he was gone for about a month, so it was during that month that we had a good opportunity to get organized without his being



Cunningham: around, right up to the last.

At first, he sort of indicated and let them think he was going to run, and I don't know right up to the last minute if he wanted to run, but I think he felt that he couldn't let the liberals and the National Lawyers Guild and the CIO down.

You see, Earl Warren had the support of the AFL and Kenny had the CIO support.

Fry: That's rather small compared to the AFL.

Cunningham: That's true.

Fry: Did you people ever think that maybe someone else would run?

Cunningham: No, we didn't know.

Fry: Oliver Carter would have been in the running then for something, or could've been.

Cunningham: We didn't know, except that there were rumors all of the time that Bob Kenny had ambitions and Bob Kenny would be the candidate, and the Democrats had sort of lined up behind him and kept urging him to run. That's why I say that he was somewhat reluctant to, right to the end, and then it had gone so far he couldn't turn them down.

Now, you asked me about the "Package Deal"--

Fry: Was that their campaign slogan?

Cunningham: Well, that was Warren's campaign slogan.

Fry: No, Kenny's --

Cunningham: Well, yes and no. That was their campaign slogan and Governor Warren was pleased that it was their campaign slogan because he used it against them, that it was a "Package Deal."

Fry: Yes, it makes it sound like it had been arrived at in a smoke filled room.

Cunningham: Well, that's the way it was first explained to me.



Cunningham: Bob Kenny called it "a package deal with an option." An option because there were two candidates for United States Senator. But first I might say that Warren's campaign committee thought that he should attack Kenny on the theory that he was going along with the Communists and the CIO. And those on the committee felt very strongly that that should be the main thrust of the campaign. Now, I don't know if I told you this before or not --

Fry: No, you didn't. Which committee is this?

Cunningham: It was the campaign executive committee that Earl Warren had, and I couldn't tell you now, I don't recall who all were on the committee. But there were ten or twelve of us, and I know that Kyle Palmer of the Los Angeles Times was on the committee.

You also asked me about Kyle Palmer in connection with the campaign, and I would say at this time (because it leads up to this package deal) that Palmer was very close to Earl Warren. Warren met with our executive committee on approximately two occasions before the information about the package deal was brought home to us. And he definitely indicated that he was not going to come out raising the cry of Communism, that he was going to run on his own record, and that we were just going to have to wait and see the campaign unfold.

Well, I recall meeting the Governor at the airport and riding in with him and he told me that he had just gotten information that in a so-called smoke-filled room (and later I learned that it was in Bob Kenny's office in San Francisco) that Kenny had had a meeting with several of the leading Democrats. And they decided that the only way that they could get harmony among the Democrats was to work out a deal by which they would have a slate and try to get all factions of the party to support that slate. This was just before Kenny went to Germany as an observer for the National Lawyers Guild in the Nuremberg trials. So they decided that because there was a split among Democrats as to whether they should support Ellis Patterson for United States Senator or Will Rogers,



Cunningham: Jr. So they thought they would start at the head of the ticket and decide on a slate of candidates. So it was Kenny for Governor, Will Rogers, Jr. or Ellis Patterson for U. S. Senator. And that's why Bob Kenny referred to this as a "package deal with an option"-that is, two candidates for United States Senator. They had agreed on Jack Shelley as Lt. Governor and Lucille Gleason as Secretary of State. Pat Brown was their candidate for Attorney General, and they didn't have a candidate for Controller. I think they felt that Tommy Kuchel was pretty strong, as he had just been appointed by Earl Warren as Controller.

It's true that maybe they talked about the package deal; but they talked about it less after it was announced because Earl Warren took it on. He told our executive committee, "I've got it, I've learned they had a meeting in San Francisco, and they agreed on a slate, a package. And they are going to try to force all Democrats to vote for the slate, or the package that they agreed upon. And that is what I'm going to use as one of the thrusts in my campaign." And so he talked about the package deal.

So, I think that after the campaign got underway, they saw that that was a great mistake to have tried to select a definite slate to force on the voters.

Fry: Yes, that backfired on them.

Cunningham: Yep.

Fry: What was your impression of the amount of energy that went into the Democrats' campaign? Can you assess that?

Cunningham: Well, it wasn't too well organized. As I indicated, with Bob Kenny leaving for over a month soon after he announced, without having the head of the party present to indicate what was to be done, it didn't shape up. It hardly got off the ground to begin with. That's why Warren was elected in the primary and that's why we were able to make so much hay, so to speak.

Fry: I wanted to mop up a little detail here, on when





- Fry: we had been talking about the FEPC initiative and its possible impact. You had said that there was some objection to Earl Warren's efforts from the Negro political community. Did you recognize any of the names on that FEPC initiative filing sheet as names who were helping the Earl Warren campaign?
- Cunningham: I forget if John Anson Ford's name was on the petition or not.
- Fry: Do you have that copy here?
- Cunningham: It's in my folder - but - do you want me to go get it?
- Fry: No, why don't we pick that up after this.
- Cunningham: John Anson Ford was very active in the Democratic party. He was a Supervisor in Los Angeles County, and he and Carey McWilliams didn't think that Warren was sincere when he came out for the FEPC. I forget Green first name -- he was the editor of the Independent Review -- and he wrote several editorials against Earl Warren and claimed Warren wasn't sincere. I knew he was. Of course, we had a problem with some of the black vote, but so did Kenny.
- I think that Earl Warren, because of his forthrightness and honesty, got a large percentage of the black vote. Probably Kenny got more because he was the Democratic candidate, although Earl Warren, you will recall, was running on both tickets and was elected on both tickets. He had a majority in every county except Los Angeles. But we knew that with the good showing he made in Los Angeles, which was even better than we anticipated, that's why he was elected in the primary.
- Fry: You knew the North would carry him anyhow. So anyhow, I gather from what you say that you don't feel that the Negro vote was a terribly crucial deciding factor.
- Cunningham: It wasn't at that time because we didn't have the large numbers voting that we do today. And there again, there were large numbers of them that were for Earl Warren.



- Fry: Why didn't as many vote?
- Cunningham: Well, there weren't as many registered as there are today. Of course, our population has increased, but even then they weren't taking the interest in politics as they are today.
- Fry: Do you want to go on into this question on how your office and also the Northern California office was coordinated by the main office in Sacramento?
- Cunningham: There was very little coordination. It was quite autonomous. And as I indicated, I came up once to San Francisco and met with their committee here, with the Northern California committee. And from the Governor's office there was no coordination.
- Fry: I think Verne Scoggins was across the street from the Capitol somewhere in the campaign headquarters and was kind of the paid person who handled it up there. Were you on the phone to him much?
- Cunningham: Very little. Very little. I had more contact with Helen MacGregor than anyone.
- Fry: Oh, is that right?
- Cunningham: Oh yes.
- Fry: What was she doing in this campaign?
- Cunningham: Well, when I say I had more contact with her, I mean if I had a problem I would call her primarily to talk with the Governor or leave a message with her about what I wanted to know, then the Governor would call me direct. But there again, our campaign was so very autonomous.
- Fry: Well, it does sound like you were more in direct contact with the candidate himself than with --
- Cunningham: Yes, right --



VII WARREN AND THE LOS ANGELES TIMES' KYLE PALMER

Fry: Now, you mentioned that Palmer and Warren were very close, and I wondered if Kyle Palmer was close to the Chandlers; he was their main political reporter on the Los Angeles Times.

Cunningham: He was the political editor for the Los Angeles Times. So, he was close to the Chandlers. Kyle Palmer was somewhat independent and he had a very brilliant mind, and he wrote innumerable editorials, articles rather, on behalf of Earl Warren, and was very critical of Kenny. Kyle Palmer was conservative and yet he admired Earl Warren, and I think at the beginning of the campaign he didn't realize what a good politician Earl Warren was.

When I say politician, I don't mean it in a derogatory sense. Any man running for political office has a certain sense of the situation--

Fry: The political wind - timing --

Cunningham: The political wind - and Earl Warren certainly had it. He surely had it.

Fry: Why do you say you think Palmer didn't appreciate this? Was Palmer trying to give Warren advice?

Cunningham: Palmer always gave him advice. He would kid about whether or not the Governor wanted to take his advice. The Governor always listened to him because he was smart, politically. But the Governor was too, and the Governor was completely independent. And Warren was so smart in the way he handled things, that it was later that Kyle Palmer recognized how smart he actually was.



Fry: What made him recognize this?

Cunningham: By virtue of what was going on in the rest of the state, and how the Governor made up his own mind that he was going to run on his own record, and he was going to be positive and he was not going to be critical. And he wouldn't go along with the idea that he was going to attack Kenny and the CIO and Kenny supporters as being Communists. And that was the better approach. The only time Earl Warren talked about Communists, that I recall, was during his final campaign, when there was no question about his being elected. Archie Brown was the only one running against him, on the Communist party. And I think that the Governor said then something to the effect that anyone should be serious about Communists and what they stood for; he took Archie Brown on.

Fry: Oh, he did.

Cunningham: Yes.

Fry: That's interesting. You said something, I think last year when you and I first had an off-the-record chat, about a New Year's Eve party when you and the Chandlers and the Palmers were present.

Cunningham: Well, I think that for about four or five years we spent New Year's Eve with the Warrens. The first New Year's Eve after the campaign the Warrens were at our home, and there was just my wife and I, and Earl and Nina. Another time we were at their hotel, the Biltmore, with them. The next year, Kyle Palmer indicated that he would like to have us all at his house, near Pacific Palisades. Then for the next three or four years, it was a common thing that we would all meet, and on one of those occasions the Chandlers were there.





## VIII WARREN AND NIXON

- Cunningham: I definitely remember a meeting, a dinner party, that Kyle Palmer gave when Pat Nixon and Dick Nixon were there, at the dinner party. And I guess that was the time that Mrs. Chandler, Buff Chandler, and Norman were there.
- Fry: Was Warren socially warm with Nixon in those days?
- Cunningham: Yes. Yes, there's no question about it. They were friendly. Nixon got up in front of the fireplace and told all about his campaign against Jerry Voorhis. I think there were only about six couples there that night.
- Fry: Oh, do you remember now what he said about his campaign? (We could tape record it and put it under seal.)
- Cunningham: No, I don't remember, other than he got up and walked around and talked about his campaign and talked about Communists and that sort of thing.
- Fry: He had chosen to hit the anti-Communist line, hadn't he?
- Cunningham: Yes.
- Fry: Speaking of the press, you had a man on your staff whom we haven't mentioned yet: Mr. Robinson, who handled, I think, press releases.
- Cunningham: Well, it was the Robinson Advertising Agency, they handled the publicity in Los Angeles County. He used to come to me a lot, but I had Bernard Brennan deal with him mostly because Bernard Brennan was



Cunningham: the paid campaign manager. I was just overseeing the whole thing.

Fry: Did you have any problem with press stories or statements getting out in the press that weren't necessarily true?

Cunningham: No, we had fine press coverage. And I would say that the majority of the press were all for Earl Warren. So I would say that we had no problems. Warren had a personal intimacy and association with the editors of newspapers throughout the state and we had all of them.

Fry: Sometimes a man's, a candidate's, best friends in the press are the ones who unwittingly get ahead of him in his campaign, or else try to make it embarrassing for him.

Cunningham: Right now we see the news media as really a problem. Even with the President's [Nixon's] trip to China, I was just disgusted with the news commentator last night, his introductions, and the way he would question certain things, the motives of the President. I'm getting tired myself of some of these commentators. The President, or other public official will come out with a speech and then the minute he's off the air, these commentators come on the air giving their views. Well, that's getting off the subject now.

Fry: Those newsmen may be skeptical about Nixon, but Warren didn't have that problem, as I understand it; he had the press with him.

Cunningham: Yes, he had the press with him.

And you ask about the relationship between Nixon and Warren: Warren's campaign had nothing to do with Nixon's campaign going on at that time. But it was after the Republican convention that there was a breach between Nixon and Warren because of the Vice-Presidency.

Fry: In '52?

Cunningham: Yes. When Eisenhower was nominated.

Fry: You know, I guess there's just no way in the whole



- Fry: world to document this, but one of our interviewees last week, some Californian, told me that he understood that Nixon had come to Earl Warren's headquarters in '46 and asked that Warren make a public statement of support for him, in his campaign against Voorhis. And that of course he was turned down, and that this had been the start of a long disintegrating relationship between the two.
- Cunningham: That, I couldn't tell you, but I do know that Warren didn't have much use for Nixon after the following Republican convention.
- Fry: There must have been so many people who had come to you for some kind of support.
- Cunningham: There were. All the candidates felt that since Earl Warren was a Republican running on the Republican ticket as his own party ticket, he should endorse the party candidates. And the Governor made it very clear that that was a primary election and he wasn't going to do it. He wouldn't and he didn't.
- Fry: Do you want to go on to this quotation from the letter you wrote to Dr. Harvey?\*
- Cunningham: I've forgotten --
- Fry: You said to him, "There were those in the Republican party with whom Warren did not care to be associated, and there were many principles advocated by those in the party to which he did not subscribe." I'll just throw out some names of party men in the South to see if any ring a bell: Shattuck, or Haight, or Faries. Earl Warren himself shows that he didn't care for the candidate for attorney general, Fred Howser. And I wonder who else --
- Cunningham: No. Raymond Haight, of course, was all for the Governor. And I'm sure McIntyre Faries and Ed Shattuck supported him, but they weren't really active in other campaigns.
- Fry: And he was big as a party man.
- Cunningham: Oh yes. He was one of the organizers of the

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\*Thomas Cunningham to Richard B. Harvey, 29 April 1959. See Appendix.



Cunningham: Republican Assembly in California. And there were a lot of people like Shattuck who were for the Governor, but who were not enthusiastic workers.

Fry: Why weren't they enthusiastic workers?

Cunningham: Well, of course some of them thought that Warren, having the AFL and appealing to the Democratic vote and not coming out and endorsing Republicans, was trying to think only in terms of himself rather than in terms of the Republican party. And that was their criticism.

Fry: I can see the complexities of your job now, and sort of why you were chosen for the job. In your quiet and unassuming and disarming way, you're the one who had to talk to these --

Cunningham: I don't know about that -- I had many fires that I had to put out. As we discussed the doctors last week. There were a lot of doctors and disgruntled Republicans that thought Earl Warren was too liberal, but yet they couldn't go for Kenny, and they had no other place to go.

Even the California Medical Association, even though they didn't agree with Warren's theories on medicine, yet they couldn't go for the Democrats, whom they considered radical.

Fry: And is this what you tried to point out to them, as nicely as possible?

Cunningham: Well, that's what I tried to point out to some of the doctors, yes.

Fry: What about the other political leaders?

Cunningham: There wasn't too much convincing I had to do. They were for Warren rather than Kenny.

Fry: Do you remember Loyd Wright?

Cunningham: Oh yes, very well.

Fry: Why did he and Warren have kind of a "falling out"?

Cunningham: Loyd Wright was very conservative and he was very





- Cunningham: active in the Governor's first campaign. The Governor had appointed him on the Horse Racing Commission and Wright had done a good job, and Wright was active in the campaign that I managed. He was on our executive committee, and he and the Governor, while they had a difference of opinion on one or two points, were still very friendly and he was still all for the Governor during the '46 campaign.
- Fry: Oh, he was?
- Cunningham: Oh yes.
- Fry: Well, if you were a conservative man then, you must have helped in your contacts with the more conservative Republicans.
- Cunningham: Well, we had lots of conservatives in the campaign. Lots of them.
- Fry: Well, I guess the main problem was this medical health insurance program.
- Cunningham: That's right. And I think we pretty thoroughly covered that subject before.
- Fry: Are there any other basic party principles that Warren didn't particularly ascribe to?
- Cunningham: No, I can't say that there were. He had been the Republican National Committeeman for California before he was elected Governor and --
- Fry: In your letter you refer to the "principles advocated by those of the party to which Warren did not subscribe." I'm trying to get an idea here of what they were.
- Cunningham: I forget. It's been so many years ago that I've forgotten.
- Fry: The other thing is your own personal campaigning efforts. Didn't you mention once riding the streetcars in order to --
- Cunningham: Yes, we had different polls being taken. We didn't conduct our own poll, but I recall Earl Warren saying to me, "Why don't you just talk to



- Cunningham: people in the street, or friends when you have occasion, and try to get the sense of this thing?" And I did. We lived in the Los Feliz district, not far from the Monte Sano Hospital. And I would drive my car there and get the red car [streetcar] that went into Los Angeles. I would always make it a point to sit next to someone, and after five or ten minutes after talking about the weather or something else, I would say, "What do you think Warren's chances are?" or bring it up indirectly. They wouldn't know who I was from Adam and I would get their views. And it was very helpful. I made it a point to ride on streetcars, and go out to lunch and eat by myself and go into restaurants and sit at the counter, strike up a conversation with someone and indirectly get into politics. And I could see that we were on pretty firm ground.
- Fry: In other words, you usually got a pretty favorable response from people?
- Cunningham: Right.
- Fry: Were there others also doing this or --
- Cunningham: No, I didn't tell others to do what I was actually doing every day. But I would ask friends in districts and party workers for their views. I'd go over to the party headquarters and talk to them and say, "What are you doing?" and "What reports do you get from this district or that district?" I would meet with groups of people like Italians or blacks and talk about the situation. In addition to getting different ones to come out in the campaign, I would ask them how their groups felt about the Governor.

We had a lot of radio spot announcements, and a lot of those spot announcements were prepared by Robinson; I would pick the people that were going to give them, and even help draw up the answers with them. For instance, I would find a veteran, or two or three veterans, and people in all lines of work, who could speak to why they were for Earl Warren. And I would try to get someone who was really genuine and sincere. People I would meet, I would say, "Would you mind making



Cunningham: a statement that would be quoted on the air?" And they were flattered. And I said, "All I want you to do is to say just what you told me about Earl Warren," and we got many of those fine spot announcements.

I remember that I had some of them played to the Governor. After a meeting one night, I remember that he stayed at the Jonathon Club, and he was just exhausted. And from about twelve-thirty to one-thirty he was lying on the bed and I was reading some of those spot announcements to him.

And then we went out and took a walk for about a mile or so, just walking to get some fresh air before we went to sleep, just discussing the campaign. And we'd do that every time he'd come down.

Fry: He was a very vigorous man wasn't he?

Cunningham: Yes, and he still is.

Fry: Yes, he sure is. But I was thinking, that in the middle of a campaign to get up for a midnight hour walk --

Cunningham: Well, we did.

Fry: That's pretty good.

Cunningham: It may have only been a half an hour, but he would be pretty tired and so would I, but in order to get our minds off things we'd just walk around.

Fry: So these radio spot announcements then, were kind of man-in-the-street type and --

Cunningham: Yes, but we tried to include everyone -- a housewife, some young person, a carpenter, a plumber, a veteran, all walks of life.

Fry: It must be a good idea because now it is used all the time in campaigns.

Cunningham: Yes, they do it now, but I think that we somewhat started it in that campaign.



Fry: Did that originate in your head?

Cunningham: I can't say who thought of it, whether I thought of it or the Robinson Public Relations Firm, I don't know; but I know that I got a lot of people myself, because I wanted to be sure that they were genuine.

Fry: You found them on the streets, is that it?

Cunningham: [Laughter] Well, we found them.

Fry: That's the end of my questions on the campaign unless you have something to add.

Cunningham: No, I don't, Mrs. Fry.

Fry: Thanks so much for all your time.

Transcriber: Arlene Weber

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PERSONAL

April 29, 1959

Mr. Richard B. Harvey  
100 Sequoia Drive  
Pasadena 2, California

Dear Mr. Harvey:

This will acknowledge receipt of your letter of April 9, 1959, relative to certain inquiries regarding Earl Warren's 1946 gubernatorial campaign, to be used in connection with your doctoral dissertation. I regret that I do not remember more of the details. About three years after the campaign, with Earl Warren's approval, all of the records and files, which were stored with the Bekins Van & Storage Company, were destroyed. Had I those records for reference, I could really give you quite a comprehensive account.

I have the following comments to make to your inquiries, in the order set forth in your letter:

Independence and the Relationship to Party Bodies

The 1946 gubernatorial campaign was independent in the following respects. It was a campaign conducted only during the primary, because Earl Warren was elected on both tickets in the primary. When he first selected me as campaign director for Southern California, he indicated that he wanted his campaign conducted separate and apart from any other campaigns.

There was an executive committee. As I recall, there were about ten to twelve members on this committee. We would meet from time to time, and during the last few weeks of the campaign would get together about once a week. Occasionally the Governor would meet with us. My recollection is that the majority of the committee were Republicans. Several were interested in other Republican candidates, but it was understood that we were not to participate actively in other campaigns in any way.



Mr. Richard M. Harvey  
 April 29, 1959  
 Page Two

Our headquarters was completely independent of any party organization. We had a publicity firm, and a man from their organization with an office located within our campaign headquarters. There were several paid workers in the headquarters, and also volunteer workers. There were campaign headquarters in each of the Southern counties, and a person from our headquarters who endeavored to act as liaison with them. Within our organization we had a man in charge of the speakers' bureau, as well as those in charge of other groups to which you have referred, such as the Italian voters group, various other racial groups, etc. We had people working, for instance, on getting all the mayors of all the municipalities within the County of Los Angeles as endorsers of Governor Warren. We likewise set up a Democratic Warren-for-Governor group, and had Democrats thereon such as Supervisor Herbert Legg's wife, and actually people who had been active as well as inactive in the Democratic party.

"Multiple service" among campaign workers was discouraged completely. Obviously there would be people out for this assemblyman or that congressman, and while in their headquarters they might be carrying Warren literature. That was not true to any observable extent in the Warren headquarters. There were people coming in the Warren headquarters who were voting a Democratic ticket other than Earl Warren, and to have had Republican literature around would have divorced them from our campaign. We met with certain criticism throughout the campaign for adopting that policy. Earl Warren realized that if he was going to win in the Primary, he had to seek Democratic as well as Republican support, and if he did not win in the Primary, he would have to seek their support in the finals in order to be elected. He likewise knew that the majority of Democrats voting for him in the Primary would probably vote for him in the finals. Throughout his entire gubernatorial life he felt that party affiliations should not in any way deter or influence his appointments, support of legislation, or decisions in connection with policy.

#### The "No Endorsement" Rule

The "no endorsement" rule in the primaries was true. I recall the endorsements of William F. Knowland and Goodwin J. Knight in the general election, but I also believe he made other endorsements throughout the State.



Mr. Richard B. Harvey  
 April 24, 1959  
 Page Three

### Possible Reasons for Campaign Independence

I think there is merit in each of the ideas you state under this heading. Warren was against any type of political machine being created. When his campaign was over the organization completely disintegrated. When he later ran for re-election the organization was created entirely anew. When he was trying to get a woman to head the women's division, I recall he made it very clear that he would like to get a housewife or mother, someone perhaps who had been active in P.T.A. work, and not one of the old party hangers-on. That is the approach we used in trying to recruit people to work in his campaign for the good of the cause and on his record. It could never be said that Earl Warren had a political machine. There is something in the tactics phase in connection with your reference to the Republican party. There were those in the Republican party with whom he did not care to be associated, and there were many principles advocated by those in the party to which he did not subscribe. He was an independent doer as well as an independent thinker. He desired his campaign conducted in the same manner he had conducted his office as Attorney General. He was smart enough to know that if he were to appeal to the individual voter and the "man on the street" he could not have party politicians hanging on his coat tails. While he had been a National Committeeman of the Republican party during his term as Attorney General, he was not necessarily a party man when running for office.

There is some merit to the statement which you make that there might have been some feeling that the Republican organizations would not do the job anyway. Obviously they wouldn't or couldn't be appealing to independent and Democratic voters as he could under a separate organization, and the fact that they would be supporting only Republican candidates obviously would alienate thousands of Democrats who were for Warren and not for any other Republican, as I have indicated.

### Financial Independence

While certain Republican groups such as the Republican Assembly and the State Central Committee, as well as other Republican finance committees in various counties may have contributed to Warren's campaign by doing work in their own headquarters for Earl Warren, they did not outright contribute.



Mr. Richard B. Harvey  
 April 27, 1959  
 Page Four

too much to his campaign in the primary. I say "too much" because frankly I do not know what, if anything, they contributed, but I would assume that there were some donations made to his independent finance committee. This independent finance committee, as I recall, consisted of three to five members, which raised money from independent sources. Warren did not make a personal effort to solicit funds, to my knowledge.

#### The Campaign Organization in General

As I stated above, there was no permanent machinery to ease the task of organization from one campaign to the next. Warren's office in Sacramento had a list of the names, and, as I recall, the same paid campaign manager in Southern California was campaign manager in his following campaign, and he was familiar with most of those who had worked in the previous campaign. The organizations were bifurcated into Northern and Southern divisions. In the 1946 campaign I was the director for Southern California, and Murray Draper, now a Justice of the District Court of Appeal, was director for Northern California. Our services were gratuitous. Each campaign was completely independent, although on two or three occasions the two campaign directors would get together and talk things over. In one instance I met with Draper's committee in San Francisco near the beginning of the campaign, and at one time near the end of the campaign we had a statewide radio hookup wherein Draper and I each participated from our Los Angeles and San Francisco offices. There was not too much liaison between us, and we handled our campaigns independently. Certain liaison functions were carried on from a Sacramento office.

In the 1946 campaign the publicity was handled by a Mr. Robinson who has a publicity firm in Los Angeles, and, as I have indicated, he had a man at all times right in our campaign headquarters.

#### Warren Relationship to Campaign Organization

It is true that Warren took little active part in the activities of his campaign organization except for conferences with me. I would meet him at the airport practically each time he came to Los Angeles, and would be with him sometime on each occasion. We would have telephone conversations and he largely left everything in the way of





W. Richard B. Harvey  
 Fall 1959, 1960  
 Page Five

organization and campaigning up to my discretion. There were certain fundamental policies, however, that I always adhered to, in keeping with his instructions; e.g., he never criticized his opponent, and we were not to so criticize. His campaign was absolutely a constructive one and based completely on the record. The only appointments for campaign organization that would be cleared through him were three or four major appointments, and that is all. He was only consulted on matters of organization wherein I thought he should be informed or his views should be solicited. Two or three times during the campaign he visited the headquarters, and once, in particular, he shook hands with everyone there and talked with the different groups.

#### Principal Positions in the Organization

I think I have discussed this above. There were all the positions which you indicate and their functions were general as you would have them in a campaign organization. Very few committees were purely on paper. Those receiving remuneration were as follows: the campaign manager (not myself), publicity agents, the assistant to the head of the women's division, telephone operators, and five or six other people all working in the headquarters at a regular weekly salary. The great majority were volunteers. The primary costs of the campaign were for publicity--newspaper, television, radio, advertising, campaign literature, etc. There were auxiliary committees such as "lawyers-for-Warren", "doctors-for-Warren", etc. We would send out literature and get the names of all those returning post cards indicating their approval of Earl Warren, and to what extent they wanted to participate in the campaign, i.e., donations, use of their name, willingness to send out campaign literature, contact voters, etc.--the usual campaign methods.

#### The Role of Democrats

The Democrats did not have too much say in the general overall matters of organization or campaign direction other than their own activities. It was handled through the regular campaign headquarters by getting certain Democrats to head an organization. Their work was primarily on radio and television, with exceptions, and the use of their names in publicity as being for Warren. We had many short radio



Mr. Richard D. Harvey  
April 18, 1959  
Wash DC

Recent visits made by Democrats, and speeches by GI's and  
others, both Republican and Democrat, who had never been in  
campaigns before.

I trust the above information may be of some  
assistance.

With kindest regards, I am

Sincerely,

Thomas J. Cunningham



## FROM THE PUBLIC REPORT IN STATE ARCHIVES ON THE 1946 CAMPAIGN:

--Financial reports of campaign show Thomas J. Cunningham as fund raiser\*

Bernie Brennan--Campaign Manager, Southern California

William B. Campbell--Asst. Campaign Director

Vic Hansen--Campaign Director for Southern California Counties outside Los Angeles

Charles Bowen--Publicity

Lew Parrish, Teamsters, in charge of labor contacts

Harold Jones--Assistant Director (of what is not mentioned)

Up North, Draper was the Executive Director, Northern California Campaign, a part of the threesome made up of Draper, James Sullivan (real estate, Catholic) and Albert C. Wollenberg (Jew).

\*\*\*\*\*

## FROM OUR NEGRO HISTORY FILLS:

Those on Kenny Washington's committee "to carry on an intensive 1946 campaign in favor of Earl Warren among Negroes in Southern California" were:

Norman O. Houston  
Dr. Charles Hill  
Lew Young  
Ivan Johnson III  
B. B. Bratton  
Paul Williams  
Louis N. Blodget (sp?)  
Curtis Mosby

Al Duvall  
Mrs. Betty Hill  
Mrs. Beatrice Mason  
Col. Moody Staten

\* On the funds report, the only ~~xxxxxxxxxx~~ reports required by law were contributions written to the individual candidate. The only names on Warren's 1946 <sup>general</sup> election fund report were: *{ see files for primary names }*  
J. Ward Mailliard, Jr. 814.32  
Murray Draper 697.40  
all spent for one radio speech, handled thru the George I. Lynn Advertising agency, and a newspaper ad for the speech.  
ad for speech--814.32  
radio time 697.40 (includes fee to Lynn Adv. Co)



NOTES FROM 1946 L.A. TIMES

Monday, Jan. 7, Part I, p. 2: C.J. Haggerty announces that the Calif State Federation of Labor executive board will support Earl Warren. Also Harry Lundberg, "outspoken"--was president of Seagarers International Union. And Jack Shelley, who was a Demo State Senator then and advanced as a candidate for Lieut. Governor the week before by Roland McNitt in L.A.

Sunday, January 20--A survey via postcard polling of 176 Progressive Republican Club members of Los Angeles County shows that Gov. Warren and Sen. Knowland are favored for their offices by a majority of the club members. President of club is Charles A. Son. They also recorded their opposition "to any sweeping reforms in the traditional practice of medicine, 56 to 16.

--part II, p. 3

March 21, Part I, p. 5-- "Col. Thomas J. Cunningham was selected yesterday by Gov. Earl Warren to head his campaign in Southern California. Cunningham is a prominent Los Angeles attorney who only recently completed five years' Army service.

"I am glad to have a part in Gov. Warren's re-election campaign because the continuation of honest, progressive government in California is essential," Cunningham said. 'All who will are earnestly invited to join in this vital endeavor.'

"A native of Los Angeles and a graduate of Manual Arts High School, UCLA and the School of Law at S.C., Col. Cunningham served the 56th Assembly District in the Legislature during the sessions of 1935 and 1937.

Commissioned, a reserve officer in 1926, he was called to active duty in 1941 and, following domestic duty, was assigned to the European theater. The War Department recently announced that he has been awarded the Legion of Merit."

April 15, Monday, Part II, p.3--"Women for Warren clubs throughout Los Angeles will be planned at a luncheon meeting of Republican and Democratic women at the Clark Hotel today.

"The meeting was called by Mrs. W.R. Goddard, civic worker and coordinator of the women's division for Gov. Warren's campaign in Southern California. Thomas Cunningham, campaign chairman, will speak."

May 1, Wednesday, Part II, p. 3--80 speakers enrolled, says J. Ames Crawford, chairman of the division. Intend to increase it to 150. Arrangements for booking Warren-for-Governor speakers to be made at campaign headquarters, 411 W. 5th St., Michigan 2881. Both men and women speakers are eligible.

May 26--Veterans' organization backs Warren. (This story reference is in error--it does not occur in the May 26 issue.)

May 10, Part I, p. 2, with picture: Kenny Washington (black) former UCLA football star, announced he has formed a committee to carry on an intensive campaign among the negroes of Southern California. On the executive board of Washington's committee a re: Herman O. Houston, Dr. Charles W. Hill, Lee Young, Ivan Johnson, III; B.B. Bratton, Paul Williams, Louis M. Blodget, Curtis Mosby, Al Duvall, Mrs. Betty Hill, Mrs. Beatrice Mason, Col. Moody Staten.





Presented at the National Association of College and University Attorneys  
Colorado Springs, Colorado, June 1968.

SOME COMMENTS ON CAMPUS UNREST  
AND THE ROLE OF THE  
UNIVERSITY ATTORNEY

By

Thomas J. Cunningham  
General Counsel of  
The Regents of the University of  
California

President Trammell, Fellow Members and  
Distinguished Guests:

These are troubled days - and much of the turmoil  
is reserved for our universities.<sup>1</sup> At the time of the  
founding of our Nation, Tom Paine expressed it eloquently  
when he said, "These are the times that try men's souls."  
Today, it can be said with equal verity, "These are the  
times that try the souls of our universities."

Three years ago, at our NACUA conference in  
New Orleans, I spoke on the Legal Aspects of Campus Unrest.  
My remarks were directed in large measure to the then recent  
events of the Free Speech Movement at Berkeley. Those events  
were so incredible that to many they must have seemed in-  
capable of duplication elsewhere. Today, it is unusual when  
the daily paper does not carry accounts of a disruptive  
sit-in in an administration building, students laying  
siege to a university business office or their capturing

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1. In this paper, "universities" includes both colleges and  
universities.



and holding hostage a university Dean. Although Mario Savio did not achieve his goal of bringing Berkeley "to a grinding halt," more than three years later and 3000 miles distant we looked on in anguish as his disciples completely disrupted the functioning of one of our most prestigious universities.

Professor William P. Gerberding well describes the attitudes, techniques, and goals of the New Left in these terms:

"They detest compromise, conciliation and accommodation, the necessary elements of a democratic, tolerant, and humane policy; they accept violence as an appropriate means to whatever ends they happen to be pursuing at any given time, abjuring any serious moral or political calculations about which ends justify which means under what circumstances; they preach racial hatred and intolerance; their style is full of cant, hypocrisy, and self-righteousness; and their ultimate purposes are at best shrouded in mystery and riddled with naive utopianism, and are at worst coercive and illiberal. Many of them have explicitly rejected liberal democracy as a sham and a fraud." /<sup>2</sup>

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2. William P. Gerberding, Liberals and Radicals, The Reporter, February 8, 1968, page 14.



Perhaps the greatest clairvoyance in discussing this subject has been shown by Professor Sidney Hook, Chairman of the Department of Philosophy of the Graduate School of New York University. Coming to the very heart of the matter he observes:

"Events at Columbia, and elsewhere, indicate that we are no longer dealing with isolated campus grievances or incidents. The nature of the demands, and the methods used to enforce them, make clear that we are confronted with a rapidly spreading view, if not yet an organized movement, which aims to transform the university from an alleged supporter of current society into an instrument for its revolutionary change.

"The university as a community of scholars is to be pressured into taking stands on public issues in line with the political prejudices and passions of the New Left or the Black Nationalists or any other fanatical world-saving group under threat of converting the campus into a battlefield. The first casualty of any compromise with these irresponsible students on this point would be academic freedom as it is currently understood."/3.

I do not mean to suggest that no genuine student grievances exist. It would be almost inconceivable that

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3. Sidney Hook, Student Uprisings - Gravediggers of Academic Freedom, Los Angeles Times, May 1, 1968, Part 11, page 5.



there are none in institutions as large and diverse as our universities. Any such real grievances, of course, should be considered and resolved on a reasoned and fair basis. What I do mean to underscore is this: The New Left students and their supporters who have spearheaded the major campus disturbances are bent on confrontation, supplanting existing patterns of university governance and the conversion of our universities into political instruments. If they succeed in this, they will have accomplished nothing less than the destruction of our universities as our most exalted houses of reason and our best hope for the triumph of reasoned inquiry and persuasion over the forces of coercion and violence.

You may ask what does all of this have to do with us as university attorneys? Beyond question, the most fundamental issues involved are those of policy rather than of law. Still, in some of these matters policy and law coalesce. Thus, the university attorney has an important role to play in these events of the most profound significance to our universities.

Disruptive student actions lead to university sanctions. Here the university must be prepared with both adequate student conduct regulations and established procedures for handling student disciplinary cases. With regard to student conduct regulations, in our recent Goldberg case, /<sup>4</sup>

4. Goldberg v. Regents of the University of California (1967) 248 Cal. App. 2d 867, 57 Cal Rptr. 463.





the court rejected the contention of the students that the university's regulations were invalid because of vagueness and overbreadth. In so doing, the court held that the university has "inherent general powers to maintain order on the campus and to exclude therefrom those who are detrimental to its well being . . ." irrespective of the existence of rules applicable to the misconduct. There is no doubt whatsoever that the Goldberg case was correctly decided. Indeed, I believe the court's opinion is the most thoughtful and constructive yet rendered as regards the relation of the student to the university and as respects the university's authority to impose student discipline. Still, to the extent Goldberg suggests that students may be dismissed without regard to violations of conduct regulations, the opinion on that one narrow point may be open to further refinement. As a university attorney, I think it prudent to anticipate that the law may develop to the point where state universities can impose major disciplinary sanctions, such as suspension or dismissal, only for infractions of reasonably definite written rules. One recent Federal District Court case suggests that result.<sup>5</sup> It should be noted, however, that other recent

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5. Hammond v. South Carolina State College (D.S.C. 1967) 272 F. Supp. 947.



cases indicate a contrary view./<sup>6</sup>.

A disbarment case decided this Spring by the United States Supreme Court furnishes an interesting sidelight on this question of whether rules of conduct are required (In re Ruffalo (Apr. 8, 1968) \_\_\_\_U.S.\_\_\_\_, 20 L ed 2d 117). Justice White, in his concurring opinion, expresses the thesis that an attorney may be disbarred for serious misconduct which would be "generally condemned by responsible men," pursuant to a very general standard of conduct proscribing "conduct unbecoming a member of the bar of the court." For less clear-cut types of misconduct, he feels disbarment must be based upon violation of a specific rule covering the conduct in question.

If this thesis is correct, and if it applies by analogy to student discipline, it would seem a university could dismiss a student for an offense such as cheating even though not in violation of any written regulation, but that for types of misconduct not clearly detrimental to the student's fitness as a student, disciplinary action could be taken only if such conduct were proscribed by a reasonably definite rule.

Apart from whatever the legal requirements may be,

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6. See Buttny v. Smiley (D. Colo. 1968) 281 F. Supp. 280, 285; but cf. Jones v. State Board of Education (M.D. Tenn. 1968) 279 F. Supp. 190, 202.



in my opinion there are at least two compelling reasons why universities should have well-established and publicized rules of student conduct. First, it is only fair to students that they be placed on notice of the types of misconduct which may lead to serious university sanctions. Second, it has been our experience, especially in sensitive cases with political overtones, that Deans of Students are reluctant to initiate disciplinary proceedings and student-faculty hearing committees are hesitant to impose or recommend sanctions in the absence of a student conduct regulation clearly covering the misconduct in question.

The university attorney should play a major role in the drafting of student conduct regulations. These are the internal law of the university and should be drawn with precision. It calls for his skills and experience. It is also the university attorney's obligation to educate university officials on the importance of having appropriate student conduct regulations.

Speaking from my experience, the drafting of student conduct regulations is only the first step in a long process. At the University of California we had a standard of conduct which was indefinite in some respects and was also underinclusive. After we drafted a proposed new standard of conduct, and thoroughly briefed University



officials as to the necessity of having such definite enforceable student regulations, the draft was distributed to the university community with a request for suggestions improving or strengthening the proposal. The reaction was as anticipated. The militants who had most loudly denounced the former standard of conduct for its vagueness, bitterly attacked the revision for its specificity. In so doing they proved only that they were opposed to virtually all rules of student conduct. There were also constructive suggestions which resulted in some revisions.

The revised standard of conduct was issued by the President of the University in February of this year. For those who may be interested in its provisions, a copy of the new standard of conduct is appended to this paper.

When issued, the new standard of conduct was met with scattered criticism from some student newspapers and a few members of the student body and faculty. More significantly, it evoked much praise both within and without the University. On the whole, I think it is working very well.

In all of this, I believe there is a valuable lesson: The university must determine what are necessary and appropriate rules of student conduct and it must not be dissuaded from promulgating these regulations because of a determined effort of militant groups.





Constructive suggestions should always be entertained, and acted upon where appropriate, but demands for no rules of student conduct cannot be heeded.

Another area in which the university attorney has a major role to play is the development of procedures for the handling of student conduct cases. You are all now familiar with the constitutional requirement of due process of law as applied to university disciplinary proceedings of public universities. Still unsettled is the question of whether due process might be held applicable to some or all private universities.<sup>7</sup> The basic aspects of due process in university disciplinary proceedings are outlined in the leading case of Dixon v. Alabama State Board of Education (5 Cir. 1961) 294 F.2d 150, cert. denied 368 U.S. 930. Also, the discussion of due process contained in my 1965 address, "Legal Aspects of Campus Unrest", remains current, subject to certain developments in the law of self-incrimination.<sup>8</sup> A recent discussion of the topic is contained in the Article, Developments in the Law - Academic Freedom (1968) 81 Harv.L.Rev. 1045, 1134-1143.

7. See Greene v. Howard University (D.D.C. 1967) 271 F. Supp. 609, reportedly now on appeal, 56 Cal. L. Rev. 236, footnote 3; Guillory v. Tulane Univ. (E.D.La. 1962) 203 F. Supp. 855, reversed on rehearing 212 F. Supp. 674. And see the excellent article by Stephen R. Knapp, The Nature of "Procedural Due Process" as Between the University and the Student (1968) The College Counsel, Vol. III, No. 1. pp. 16, 39-53.

8. See Spevack v. Klein (1967) 385 U.S. 511; Garrity v. New Jersey (1967) 385 U.S. 493.



The skills of the university attorney as a draftsman, and his experience in the handling of administrative hearing cases, are invaluable in drafting rules of procedure for the hearing of student conduct cases. In drafting such procedures he must resist demands from one side that the procedures be a complete imitation of court room proceedings, and from the other, demands for such dispatch and informality as not to meet due process requirements.

Based upon experience in my University, the more real present danger is that the proceedings will become so formal and prolix as to prevent effective action from being taken, especially where large numbers of students are involved. For example, the hearings before an ad hoc faculty committee in the cases of five students involved in the so-called "Filthy Speech Movement" in early 1965/<sup>9.</sup> involved six hearing sessions extending over a period of nearly a month with total hearing time of approximately 26 hours. Nearly five weeks elapsed from the time the committee received the cases until it submitted its report to the Chancellor. The implications are obvious. If the same procedures were applied in a case involving 50 or 100, the students might well graduate before a decision was made.

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9. Resulting in the case of Goldberg v. Regents of the University of California (1967) 248 Cal. App. 2d 867, 57 Cal. Rptr. 465.



There is one other function of the university attorney in this matter of campus unrest which I would like to discuss briefly. It is the practice of my University (and I expect of most others as well) to permit a student to be assisted by his attorney in university student disciplinary proceedings. Although the law is not settled on the point, it is my opinion that due process probably requires that a student be permitted the assistance of his attorney in state university disciplinary proceedings which might result in serious sanctions such as suspension or dismissal.<sup>10.</sup>

In cases where the student is represented by an attorney, a member of my staff appears as attorney for the University. It has been our experience that such cases must be prepared and presented with all the care that would go into the preparation and presentation of a case in court. In "student unrest" cases members of the hearing committee may, to one extent or another, be sympathetic with the objectives and even the actions of demonstrating students. In court, an attorney can challenge prospective jurors.

10. See, Estaban v. Central Missouri State College (W.D. Mo. 1967) 277 F. Supp. 649, 651-652; Zanders v. Louisiana State Board of Education (W.D. La. March 8, 1968) F. Supp. \_\_\_\_\_; Madera v. Board of Education (S.D.N.Y. 1967) 267 F. Supp. 356, reversed, (2d Cir.) 386 F. 2d. 778; Developments in the Law - Academic Freedom (1968) 81 Harv. L. Rev. 1045, 1141. But see, Wasson v. Trowbridge (2d Cir. 1967) 382 F. 2d 807, holding no right to counsel for cadet in Merchant Marine Academy disciplinary proceeding.



Not so as regards members of a University hearing committee. This "jury" may be stacked against the University attorney, but his only "recourse" is his own power of persuasion.

In one such case at my University, three members of the law school faculty represented students who had been involved in a disruptive sit-in in the University's placement center protesting the recruitment activities of Dow Chemical. These law school faculty members argued before the committee, comprised mainly of faculty and students, that the students involved should be commended, rather than condemned, for their actions. This contention, coming from members of the law school faculty, made a great impact on some of the student and faculty members of the committee. This is only one example of the kind of contentions you may expect from attorneys for students in disciplinary cases arising out of disruptive demonstrations. I mention it to underscore my point that the university attorney must go into any such proceedings fully prepared not only to prove the charges, but also to convince the Committee of the need for taking meaningful disciplinary action.

Also, you may find that your work is not over even when the hearing concludes. In another case arising out of Dow Chemical demonstrations, the attorneys for the students (members of the faculty of another of our law schools) requested and were granted permission to submit





a "brief" after the hearing concluded. This "brief" was 65 pages in length! And it was addressed to many constitutional issues which the hearing committee was simply not qualified to resolve. Nonetheless, it was still necessary for my office to submit a detailed reply brief.

In the course of these remarks I have sounded some very somber notes. These are in keeping with the present crisis facing our universities. This turmoil besetting our institutions of higher education is interwoven with the civil disobedience which has become widespread throughout the land. Nevertheless, I think there are some hopeful signs. One of them is Columbia's refusal to capitulate to lawless force and coercion. Another is the growing realization that the maintenance of order is essential not only for the proper functioning of our universities, but also for the protection of freedoms of the individual.

William Graham Cole, President of Lake Forest College, expressed my views when he wrote:

"We have been through periods in which the morality of the individual citizen has taken precedence over the public law. And without such periods and such protest, there is always the danger that the State will become a monster, devouring and depriving its citizens



instead of serving them. The dialectic is an indispensable part of our tradition, which has always protected us from tyranny. But the pendulum has in the past invariably swung back, and there is every reason to believe that it will do so again. The good sense of the American people will once more assert itself and we shall again find the proper balance between the private morality and the public law." /<sup>11</sup>.

In conclusion, this is not too much to hope for from the American people. It is certainly not too much to expect from all elements of the university community.

Thank you for your kind attention.

---

11. William Graham Cole, Private Morality and Public Law, 54 American Bar Association Journal 158, 161, February 1968.



APPENDIX

## STANDARD OF CONDUCT

A student enrolling in the University assumes an obligation to conduct himself in a manner compatible with the University's function as an educational institution. Misconduct for which students are subject to discipline falls into the following categories:

a. Dishonesty, such as cheating, plagiarism, or knowingly furnishing false information to the University;

b. Forgery, alteration, or misuse of University documents, records, or identification;

c. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other University activities, including its public service functions, or of other authorized activities on University premises;

d. Physical abuse of any person on University-owned or -controlled property or at University-sponsored or -supervised functions, or conduct which threatens or endangers the health or safety of any such person;

e. Theft of or damage to property of the University or of a member of the University community or campus visitor;

f. Unauthroized entry to or use of University facilities;

g. Violation of University policies or of campus regulations, including campus regulations concerning the registration of student organizations, the use of University facilities, or the time, place, and manner of public expression;

h. Use, possession, or distribution of narcotic or dangerous drugs, such as marijuana and lysergic acid diethylamide (LSD), except as expressly permitted by law;

i. Violation of rules governing residence in University-owned or -controlled property;

j. Disorderly conduct or lewd, indecent, or obscene conduct or expression on University-owned or -controlled property or at University-sponsored or -supervised functions;

k. Failure to comply with directions of University officials acting in the performance of their duties; or

l. Conduct which adversely affects the student's suitability as a member of the academic community.



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Murray Draper

WARREN'S 1946 CAMPAIGN IN NORTHERN CALIFORNIA

An Interview Conducted by  
Amelia Fry





Justice Murray Draper



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## INTERVIEW HISTORY

Date of Interview: 3 February 1972, 1:30 pm

Transcript sent to Justice Draper 4 June 1974;  
returned 18 July 1974

Place of Interview: Justice Draper's chambers in the First State Appellate Court in the State Building, San Francisco

Those Present: Justice Draper and interviewer

The Interview:

In 1946 when navy veteran Murray Draper was reassembling the pieces of a law practice that had been dropped during the war, any idea of veering off into a political campaign was preposterous if not slightly ludicrous. However, it was exactly his inexperience that attracted him to Earl Warren and his aides, and Draper finally agreed to shoulder the job of Northern California executive director of Warren's campaign for re-election to the governorship. Although no governor had been re-elected since Hiram Johnson in 1914, Warren won both Democratic and Republican primaries so that he ran unopposed in the general election in November. By anyone's standard, it was a triumph for Warren and his lieutenants and an epochal campaign which left the Warren forces in the Republican party secure until he left for the chief justiceship in October of 1953. It is the methods, criteria of operations, and milieu of this victory over Attorney General Robert Kenny that we try to recapture here.

A pertinent adjunct for Draper and the Republicans is that the same election created a watershed in the Democratic Party which was not overcome until Adlai Stevenson's followers gathered up the grass roots six years later. In this respect, Warren was handed some valuable gifts from the Democrats: Kenny was happy with his present position and was a close friend and admirer of Earl Warren's, and in the eyes of many Democrats he did not run an aggressive campaign; on March 6, three months before the primary election, he left for Germany to be an observer at the Nuremberg War Trials. Even before he left, the tenuous Democratic coalition had fallen apart. In a "harmony" caucus no consensus could be reached for a statewide slate of candidates. Kenny writes that his solution in that caucus "was a fatal political blunder...the 'solution' which solved nothing, was that we select a harmony slate but with two candidates for U.S. senator [to run against Warren's recent and powerful appointee, William F. Knowland]. 'A Package Deal with an Option' was the way I described it."\*

If the Democrats were in disarray in this campaign, Warren's usual strategy to capture bi-partisan support was at its apex, and here Justice Draper shows us that non-partisanship is not always easy to maintain. Subsequent governors Goody Knight (Republican) and Edmund G. Brown (Democrat) were to emulate Warren's non-partisan stance, but it would be with diminishing effectiveness as statutes were changed, first to require party designation on the ballots, then to outlaw cross-filing altogether.

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\*Robert W. Kenny, My First Forty Years in California Politics, 1922-1962; first draft; mimeographed; no date. In The Bancroft Library, University of California at Berkeley.





This, then, was the context within which Murray Draper organized and coordinated the workers in Northern California in 1946. In 1948, when Earl Warren was the running mate of presidential candidate Thomas E. Dewey, Draper was county organizer for California--a distinctly partisan campaign, to be sure. A year later he was appointed to the Superior Court of San Mateo County, and his brief career in partisan politics was at an end.

Viewed from the Warren perspective, there were strong indications that Draper would make a competent and natural political organizer. He had been a student leader at Stanford University and, following that, had put those same talents to use in various local civic causes. In fact, Justice Draper is a vivid example of the sort of non-partisan but leadership figure that Warren repeatedly sought to run his campaigns. This trait of Justice Draper's continues in his membership on the California Judicial Council as well as numerous other civic leadership posts, as his chronology in the front of the manuscript testifies.

Justice Draper's spacious chambers, on the sixth floor with a beautiful view of San Francisco, was a setting any interviewer can envy. With its warm, dark furniture and paneled walls it was quiet and thought-inducing. He had received an outline of the proposed interview beforehand and seemed pleased to clear time in his busy schedule to contribute to a project about Earl Warren. The Justice was open and straight forward, remembering all he could and phrasing his answers as accurately as he could. The integrity of his remarks are evident in the transcript, as well as in the way he promptly reviewed it, answered all questions about uncertain names and phrases, and returned it ready to final type.

Amelia R. Fry  
Interviewer-Editor

14 May 1976  
Regional Oral History Office  
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## MURRAY DRAPER

**Born** October 23, 1907 - San Bernardino, California.

**Education** Public Schools, San Bernardino. Graduated from high school 1924.  
A. B. Stanford University 1928.  
J. D. Stanford University 1930.

**Married** Alexia Helen McCarty, May 19, 1934.

**Professional** Private practice - San Francisco 1930-1942.  
San Mateo 1945-1949.  
Superior Court, San Mateo County, November 1, 1949 to March 27, 1957.  
District Court of Appeal, First District, Division Two, March 27, 1957 to date.

**Military Service** United States Naval Reserve - July 2, 1942 to October 1, 1945, including 18 months service in Southwest Pacific. Discharged as Lieutenant Commander.

**Activities** Professional  
President, Conference of California Judges, 1960-1961.  
President, Stanford Law Society, 1959-1960.  
Judicial Council - 1955-1957, 1959 to date.  
Board of Visitors, Stanford Law School, 1958 to date.  
Chairman, Board of Visitors, Stanford Law School

Civic  
President, San Francisco Junior Chamber of Commerce, 1941.  
Director, San Francisco Chamber of Commerce, 1941-1942.  
Board of Trustees, San Mateo Junior College, 1947-1949.

Community  
Merit Badge Counsellor, San Mateo County Council, Boy Scouts of America.  
Board of Governors and Executive Committee, United Bay Area Crusade, 1955-1960.  
Board of Governors and Executive Committee, United Crusade of San Mateo County, 1954-1960.  
Former director of San Mateo County Chapter, American Red Cross; San Mateo Council, Boy Scouts of America; American Cancer Society of San Mateo County; San Mateo County Heart Association.  
Vestryman, St. Paul's Episcopal Church, Burlingame, 1957 - 1960.

Fraternal  
Elks, Masons, Native Sons.



WANTED: A GREENHORN CAMPAIGNER

Fry: I'll bet you had a lot of explaining to do, when you were at the '48 Republican Convention, on how on earth a person could win the governorship on both tickets, as Warren had done two years before.

Draper: That was incomprehensible to most of them. They were sure that a man was either bi-partisan or half party.

Fry: I would think that most of the Republicans would look somewhat jealously at the ability of California Republican candidates to run also on the Democratic ticket, because the Democratic party was a lot stronger, then.

Draper: I wouldn't say it was any kind of jealousy--it may have been but the main reaction was one of utter puzzlement and amazement. They just didn't understand that any such thing could happen. In their case, you're strictly partisan, you're one or the other and that's all, and anybody who isn't that is suspect by any member of either party.

Fry: I'm hoping that the eastern scholars who eventually will use our material will understand that, also.

Draper: Well, they'll accept it more readily than the politicians would, I think. They're not wholly imbued with the idea of party, and that's uppermost with a good many of the delegates to a national convention of either party.

Fry: We might start from the 1946 point but look back just a minute to see just what sort of experience and expertise you brought with you to this job of Northern California campaign chairman for Earl Warren.

Draper: Very little. [Laughter]

Fry: I know! I was talking to Mr. [Joseph] Feigenbaum this morning, and he said that one of the strong points in your favor, when they were talking about asking you, was that you'd never been involved in a



Fry: political campaign before. [Laughter] That sounds like a sure recipe for defeat--to have an inexperienced campaign manager.

Draper: Oh, I'm not too sure. After the election--happily it had been won on both sides in both parties, so there was no possibility of being stuck pertaining to the run off. In general, the thing was very welcome to me.

I remember that some of my colleagues who had thought if we had had no organization, or if the whole organization had worked for [Democratic candidate Robert] Kenny the results would have been about the same. [Laughter]

Fry: Why?

Draper: I suspect that the people pretty well make up their own minds. In a state that is not highly partisan, and in 1946 California didn't have very many people--by no means a majority--to whom party was a religion, there were a tremendous number of independents. There might not be in national elections, but there sure were in state elections. They were honestly trying to get the best man regardless of party, and I think they felt they had done so and that was it. They had had four years of Earl Warren as governor, they liked it, so they asked for four more.

Fry: In other words, you felt that the strongest element in the campaign was Earl Warren's previous four years as governor.

Draper: And his personality generally, and his own wide acquaintance.

Fry: Compared to Kenny, did he have a wider acquaintance around the state? With the Masons, and the state association of district attorneys, and things like that?

Draper: Yes, I think he did. That, of course, is hard to measure. It's quite obvious from the election results that he had a more favorable acquaintance with a majority. And of course in the state the size of California, even as it was in '46, no candidate will know any very substantial percentage of the voters in person. It isn't so much personal acquaintance, it's a newspaper or radio (there was no television at the time) acquaintance, a general awareness of what the man has been doing, a knowledge of his name and who he is and what he's done, and that, I think, is the most important factor in such an election.

Now, of course, if you got into a much more partisan campaign, as the national campaigns for the presidency or for the senate are, then you get other factors. But California has never been too much a party state short of the national field, and it was even less so then than it is now, perhaps, with the immigration since then of a number of people who were raised in a more highly partisan attitude.





Draper: But the matter of being known--and of course the public image is not always the individual; I think in Earl Warren's case the two more nearly approached each other than they do in many situations.

Fry: I have a story from Mr. Feigenbaum that I can tell you the front part of, then you have to finish it for me. [Laughter] He said that when [William] Sweigert and Earl Warren and someone else (and you probably know who else would be in on this, maybe Verne Scoggins) were trying to figure out who could be Northern California chairman, they were having a meeting. Apparently it was in the same building that Feigenbaum's office was in, (maybe Jesse Steinhart's office). They couldn't agree on anybody, mainly because Earl Warren was very finicky about any lawyer whose clients, present or potential, might have some special interest that later would exert an influence, and he kept turning down suggestions of names. Finally, I think it was Sweigert, who came into Feigenbaum's office and said, "We're just never going to agree on anybody. We're not going to get anybody." And Feigenbaum suggested you because at that time you didn't have a lot of clients because you were just starting a new law firm in San Mateo, is that right?

Draper: Yes, I didn't have any clients. [Laughter] My practice was in San Francisco until July of 1942 when I'd gone into the Navy, and I was in the Navy until--well, I ceased active duty about the first of October, '45. The last eighteen months of it I'd been overseas, came back, and tried to hang out my shingle in San Francisco again, but I was unable to find office space. It was a very scarce article in those days. The armed services and the government agencies had taken over the great bulk of the office space and they weren't letting go of it very quickly. I finally located some space at 111 Sutter with seven other fellows, and planned to go in there, but the space would not be available for three months. I was prepared to sit that out, but I got a phone call from a fellow in San Mateo whom I knew, slightly, a lawyer who wanted some help. Like most lawyers immediately after the war, he had more work than he could handle. So he wanted help, and on the other hand I wanted to get my hand back in after three years out, and so I went down there immediately on an association basis.

After a couple of months it worked out very well, he and I worked out a partnership and I continued practice there in San Mateo.

I guess by the time they asked me to head the campaign, it wasn't that I didn't have any clients; I think I was approached on taking on the Northern California chairmanship in the Warren campaign probably in January or February of '46. Well, by that time I was back quite actively in practice, but no clients of great substance who would have conflicts. Maybe I acquired some of those later, but I didn't have them then.

I had been president of the Junior Chamber of Commerce in San Francisco in 1941 and had known Joe [Feigenbaum] somewhat there.



Draper: While Joe was by that time beyond the age of being active in the Junior Chamber, he had been a long-time member of it. I met him and then I met Jesse Steinhart considerably earlier when I started to practice law. Jesse was very active in the county to get young people interested in politics. He'd arrange luncheons where he'd have a political figure speak. There was Kahn\*, who was then the congressman, and Joe Feigenbaum, Steinhart's associate who was then a member of the legislature--the Assembly--and very active. Then there were a number of other people who'd talk--oh, just on the idea of interesting young people in it, not from the point of view of going into politics--not with the objective of doing that--but rather to get an interest that would make a well-informed public.

So, I'd met Jesse. I knew Joe quite well. I knew Bill Sweigert, not intimately, but I knew him. But I had had no political experience whatever. Oh, I had--

Fry: Had you been a fund raiser at that time?

Draper: No, I never was.

Fry: I think Mr. Feigenbaum said that he told them at that point that you did have this quality of leadership and keeping things organized, and that you had been president of your class at Stanford, is that right?

Draper: Well, I was president of my class in my sophomore year, and I was president of the student body in my senior year.

Fry: I see. Well that's enough to make you right there. [Laughter]

Draper: Nowadays it would be a very different make. [Laughter]

Fry: Yes, it would, wouldn't it? You would be suspected of organizing riots!

Draper: I did not dodge the draft. I volunteered for the service.

Fry: You didn't lead any sit-ins? [Laughter]

Draper: No. Of course they were anxious to get somebody who had been in the service, particularly in the service overseas. This was almost a must in 1946, the year immediately following the end of the war. Through the Junior Chamber and other activities I had a fair acquaintance with people in San Francisco and throughout the Bay Area--well, could be through Northern California. But not on the political side. I had been interested in some political campaigns, but never particularly active in them. I tried to keep myself informed and have an idea and an opinion.

Fry: How did you get talked into this?

\*Florence Kahn



Draper: I got a phone call at home one evening from Joe Feigenbaum. He said, "I talked to Bill Sweigert and some others, and to the Governor," and he wanted me to take on the Northern California chairmanship of this campaign. I said, "You've got the wrong man. I don't know a thing about it. I don't have the time." Then I was assured, as always happens in these cases, that it didn't take any time. [Laughter]

I told Joe I'd think it over and talk to my wife about it, and my partner, and I did. Then I called him back and said, well, I still had an awful lot of reservations, but I'd be glad to discuss it. I don't recall the chronology too well. I think I talked to Joe and Jesse Steinhart a little bit about what it would involve, and--

Fry: Do you remember what they thought it would involve at that time?

Draper: No, and I didn't realize how much time it would take until I got into it. And then they said, at least Joe did, that I should arrange to meet the Governor for two reasons: one, to be sure that he was satisfied with that arrangement--if I could take it; and secondly, to find out from him what sort of thing it would involve and what it was all about.

So an appointment was made for me to go up to Sacramento and meet Governor Warren. He was traveling down here that afternoon to some dinner affair he was attending in San Francisco, and I'd have a talk with him on the trip down, which in those days was a couple of hours. We had a very interesting conversation which increased my regard for Governor Warren, but he didn't tell me too much in detail of what the job was to be, which is what I imagine was the story that Feigenbaum was telling you and he was laughing about. [Laughter] I came back and said--

Fry: He said you kept saying, "That was a lovely conversation, but what is it I'm supposed to do to run a campaign?" [Laughter]

Draper: I went to lunch in San Francisco--I forget where it was--whether the Stock Exchange Club was then in existence or where it was, but Joe and Bill Sweigert and I met and we talked it over and I got some idea of what it was about and then agreed to take it on. I thought, of course, it would be a very short time and an occasional visit to the San Francisco office or something of that sort. It turned out to be a good half-time activity. It probably should have been more, but you couldn't do it without putting in at least a half day in the office in San Francisco.



## ORGANIZING A NON-PARTISAN CAMPAIGN

Fry: Who helped you the most?

Draper: Al Wollenberg, really. Al had been in politics. I'm pretty sure he was still in the assembly then--if not he had been--yes, I'm pretty sure he was still in the assembly.

Fry: He was.

Draper: He knew his way around and knew much about the setups in several counties. We had to put together committees for Warren in each of the northern counties, and there were forty-eight or fifty, I've forgotten just where the line was drawn. I know that Kern County was in Northern California. San Luis Obispo, I can't remember whether it was considered southern or not.

It's usually southern nowadays. We had forty-eight or fifty counties in Northern California.

Fry: Outside of the Bay Area, what were your most important ones? Where Fresno is?

Draper: Yes, Fresno, and Kern; Sacramento, of course. Oh I guess they were the larger, but every county was important, even Alpine with a population of four hundred or so.

Fry: How did you maintain contact with all these counties, or were they fairly autonomous once you got them set up?

Draper: Oh, pretty much so, yes. The first objective, of course, was to get a committee set up in the county. That was the thing that took a little doing. You had to call people and consult here, and call people whom you knew and try to find somebody who fit the Warren pattern and would work and be active, and would be attractive to a lot of groups and not too offensive to too many. And this took a good bit of inquiry and thought. I can no longer allocate the time, but I think that was a fair part of the time involved.





- Draper: From there on it was a matter of getting out materials, suggestions, possible press releases, suggestions for meetings, that sort of thing. If the Governor were to--
- Fry: You mean to the county?
- Draper: Yes, several counties. If the Governor were planning a campaign trip then you'd get in touch with those people to set up all the details, and the time, and to do all they could to get the crowd.
- Fry: You must have had to do some hand-holding in the counties because this was a bipartisan campaign and I can see the Republican county committees getting a little restive about that.
- Draper: Well, I don't know, I think we were trying to say it was non-partisan, rather than bipartisan. Oh yes, there was no question of that.
- Fry: Oh, if I understand your distinction then--no, I don't understand your distinction, either. What's a non-partisan political campaign? [Laughter]
- Draper: Well, you don't announce that you have a committee of Democrats in addition to a separate committee of Republicans in the county. You just don't emphasize party too much. And of course, that necessity was dictated by the fact that the Republicans were the minority party, a fact which all of them were not willing to recognize.
- Fry: I was wondering how you handled that.
- Draper: Well, in varying ways, but the ultimate answer was, of course, through a Republican group, if you want a man of your party and essentially of your views to be elected, he has to get some votes from the other party, and you just have to recognize that fact and accept it. Sure, we expect the Republican vote and hope you get them all out, but we also have to get some Democratic votes.
- Fry: Did you have any problems with other Republican campaigns going on in the counties or even state candidates whose state workers would also be workers for Warren campaign groups in the counties, or did you have a sort of a rule that people who worked for Warren had to work just for him?
- Draper: Oh no, we certainly weren't excluding any people, but those whom you chose to head up your campaign, quite obviously you wanted to get the ones who would devote the majority of their time to the one side. If a fellow tried to spread himself through a half-dozen campaigns, he won't do too much in any one of them. That we wanted to avoid. And of course you didn't want to get somebody who was the main bell ringer for one candidate and then have him a very active head of your campaign in that county. If you did, you were defeating your own main objective



Draper: a little bit. But there was no idea of exclusion. It was rather a matter of getting the people who had the time and would use it for this purpose.

Fry: Was the senator's race a hotter race in this election? That was Bill Knowland--

Draper: Yes, against who was it, Will Rogers, Jr.?

Fry: I believe so, yes.

Draper: I can't recall how the votes compared.

Fry: If it were, I was thinking that in keeping with Warren's policy of not supporting any of the other candidates (at least through the primaries he didn't. Of course once he'd won both primaries he could).

Draper: That's right.

Fry: In keeping with that, I wondered how this affected the operation of the headquarters. It meant that you couldn't have any Knowland literature lying around, I suppose.

Draper: Oh well, you didn't do that, but if memory serves, Bill Knowland had been appointed to the United States Senate by Warren, so that there was a perfectly obvious connection.

Fry: Maybe that's not a good example. Maybe I should use Knight or--

Draper: There was no way in the world Warren could say he had no responsibility for Knowland--he'd appointed him.

Fry: There was Goodwin Knight and Fred Howser, who were also running, and Knight was especially anxious to get Warren's endorsement for lieutenant governor, and I guess Howser was too, wasn't he?

Draper: Oh, I don't think so. No, there wasn't much conflict there. Of course earlier Goody Knight had made some motions toward seeking the nomination for governor, but once that was over there was no conflict. Quite the contrary. Everybody had the same idea, then, get Knight to--

Fry: I understand from some of the newspaper accounts I read that Knight did have seven or eight counties that had endorsed him as governor and this had caused--

Draper: --county committees--

Fry: Republican county committees.

Draper: I don't remember the number, but he had some. Then he apparently decided that he couldn't beat Warren and so he didn't try to.



Fry: Did you try to get Republican endorsements of county committees for Earl Warren?

Draper: You tried to get anybody's endorsement you could.

Fry: You weren't so non-partisan that you didn't--

Draper: Oh no, you welcomed any endorsement that you could get.

Fry: You can see that I'm also floundering in trying to see how this non-partisanship worked. [Laughter] You know, today you'd just go out and try to get all the county endorsements you could, but I just wondered if you were trying not to get any party endorsements--

Draper: No, I don't think so.

Fry: --because you were afraid you'd alienate the other party?

Draper: You didn't make a great effort with them. There were other endorsements that didn't carry the same implication that would perhaps be (whether right or wrong, I don't know ) more helpful; but no, there was no attempt to persuade anybody not to endorse, that's a cinch. No, you asked for endorsements. How much value they had was debatable, because there are very few boards of directors or executive committees of any kind of group who can say to their people, "You vote for So-and-So." It just doesn't happen that way.

On the other hand, the endorsement does carry some friends of the endorsing group. It carries persuasion with them, and I think perhaps more important to the campaigner, they give a handle for a publicity release or a press release which will bring your candidate's name again before the public via the newspaper or the radio. And that is of some importance on the theory that it is the public image of the man that draws the votes. You want to have that name out there as often and in as a favorable way as you can.

Fry: Whose job was it to get endorsements, or did you pass this around to whoever would know this group better?

Draper: Well, anybody. You sought endorsements regularly, and anybody who could be helpful in getting one was more than welcome.

Fry: What were some of your more difficult ones, do you remember?

Draper: No.

Fry: He had a wide range of endorsements in that election, according to all the press announcements. So that was not one of your problems.



## CAMPAIGN THEMES, PRO AND CON

Draper: Well, there were of course problems in the campaign. One you suggested: the business of satisfying the more partisan Republicans. We were still on their side, but could not ring all the partisan bells.

And then there was the matter of medical care, the government entry into a health program, which was condemned by a great many doctors. But it wasn't only the Medical Association; there were diverse and unexpected groups who opposed it--the Christian Scientists, who don't believe in medicine; if they had the idea that they were going to be taxed for medical care which they didn't want, they were upset. There are possibilities in these things that never occur to anyone. Of course, the medical people--the fact was, that the governor consulted with the leading medical authorities including those very active in the California Medical Association, with insurance groups, with everybody interested before he ever proposed the program, and it was my understanding that it was with their general agreement that he proposed a pilot program to try to work the thing out. So one tried to make that argument so far as he could.

Fry: Yes, I think there is a strong feeling that suddenly the whole view of the AMA shifted against it, unexpectedly in the legislature. That was just before this election. Did you have meetings with these dissidents?

Draper: With some, with both dissidents and others. I know I talked to (trying to get some of the background) Dr. Gilman, who as I recall it was a former president of the CMA.

Fry: He was president-elect when the legislation was discussed.

Draper: He felt that this thing ought to be tried, ought to be done at least as a pilot program. Others later felt differently. Actually, my recollection is that the big anti-feeling of the medical profession didn't peak at that time. I think it was somewhat later when the American Medical Association employed Clem Whitaker to conduct a nationwide campaign against it.





Fry: Yes.

Draper: I always suspected that they didn't have to pay for that. I think they might have been able to get Clem to do it to the extent that it was anti-Warren; they might have been able to get him to do it for nothing. Yet, that may be wrong.

Fry: You mean because Warren had discharged Whitaker in the '42 campaign?

Draper: They had had some fallings out which were beyond my ken, but apparently there was no pro-Warren feeling on the part of Mr. Whitaker.

Fry: That may also have been one of the reasons why Warren was anxious to get a complete amateur to head up his campaign this time around.

Draper: No, he did want to have a professional. He was the campaign manager and was paid, and that was it. But over and above that they had a campaign chairman, and they had a campaign organization, a steering committee to which both were responsible--oh well, not responsible, but which afforded guidance. The paid campaign manager, of course, was directly responsible to the steering committee and through them to the chairman.

Fry: And you were the chairman.

Draper: Yes.

Fry: And who was your steering committee?

Draper: I can't recall other than Al Wollenberg, and Jesse Steinhart was a member of it.

Fry: Were there any--

Draper: [Reading from interview outline] Tony deLap, who was a state senator from Contra Costa County, I can't recall. But I think Jim Lockhead might have been a member, and I'm quite sure Ward Mailliard was there. He handled a substantial part of the fund raising, he and Walter Haas.

Fry: Was Steinhart in any official position?

Draper: Oh, Steinhart was a member of the steering committee, and a very active one. No, other than that--Tony deLap, I think that's about the only name--I think Joe Feigenbaum was not infrequently there.

Fry: I'm so interested in Steinhart, in trying to get some kind of a picture of what he really did. Was he a good strategist? Was he good on issues, as a fund raiser? My image of him was that he traditionally held a very auspicious place in Northern California politics because he could back men whom he knew were honest, good-government type people, and could organize funds for their campaigns, is that right?



- Draper: Yes, he could do that. Yes, I never knew any extent to which Jesse was directly responsible for any campaign contributions, but I know that he was highly influential in a number of them, and he himself was a contributor. He never considered himself a fund raiser. That was more the field of people like Ward Mailliard and Jim Lockhead. But Jesse, in that quiet way of his and without taking a great deal of credit for it, was also raising money. Of course campaigns in those days were much less expensive than now. You didn't have television, and television is an expensive item. You had newspaper ads, radio time and travel expense, and some staff, and that was about it.
- Fry: Who headed Caterpillar Tractor, who was that man, do you know?
- Draper: No, I don't know.
- Fry: Earl Warren couldn't remember his name, but apparently he also was one of the major contributors who could give unattached money to the campaign, and this was what Warren was most interested in getting, I guess.
- Draper: I don't know. There was a Force [Raymond] who had been active in Caterpillar and a Holt [C. Parker].
- Fry: Oh, Force, I think that may be it.
- Draper: I know the name only because his daughter, Lillian Force, was at Stanford about my time.
- Fry: Did you have to do fund raising, too?
- Draper: No, as a "bright young lawyer" I would have been the most inadequate fund raiser in the wide world. I didn't know the people who had the money.
- Fry: Tell me more about what this steering committee did and what their role was.
- Draper: Initially it was to choose a campaign organization, a state organization, choose the campaign manager and, to a somewhat lesser extent, the staff, the publicity man; I've forgotten who our publicity man was, a kind of small fellow, George--the name Little occurs to me, but I know that's wrong.
- Fry: Maybe Mr. Feigenbaum would remember.
- Draper: Joe would know, and certainly Verne Scoggins would know--
- Fry: And maybe Mr. Sweigert--
- Draper: Bill Sweigert would know. He did emphasize Kenny's "package deal."



Fry: As issues were thrown into the arena by Kenny, who was hunting for something, how did you combat these? Did you have meetings then to decide how to answer the issues, or did Earl Warren just more or less do it himself?

Draper: Well, it's pretty much the candidate's doing, certainly in the case of Earl Warren. He had definite views. The steering committee did make suggestions, and of course gave advice when the candidate asked for it.

Fry: Bob Kenny had this motto of "a package deal with a choice," was that it?

Draper: Well, I don't know.

Fry: "Package deal" sounds terribly well organized, and I wondered what you did with that?

Draper: Well, we made a bit of mockery of the package deal. It became a sneering sort of word.

Fry: Oh, really?

Draper: "You ought to know what's in the package before you buy," this sort of thing.

Fry: Oh, I see.

Draper: It wasn't a very attractive phrase. It was one of Bob's major errors to use it, I think. It backfired. It just didn't sound right. I don't know what would be a comparable phrase today. If you talk about a "gang" or something, that might convey a little of the notion that that seemed to convey.

Fry: It also carried the idea of the smoke-filled-room decision.

Draper: Yes, which of course was not ignored by us. [Laughter] As campaign chairman, well, I guess the main part of my job, once the county committees were set up was to (a) keep them supplied with material on campaign speech possibilities, getting them to set up speakers' bureaus, giving them something to do. And (b) then to try to help them meet their problems. You'd get phone calls right and left, "Well, this is developing in this county. What can I do about it?" You'd try to hand down a suggestion for that. You didn't do very much traveling; it was largely a telephone thing. And then of course we arranged a meeting or two of the especially active people of the county groups, got them together, and whenever we could fit it with the Governor's program, had him talk to them as well. Oh, there were some--I went down to Fresno, Al Wollenberg and I went down with the Governor, and I think Verne and Bill were both there, too, I'm not positive of that. We had some problems there.



Draper: Theirs was a group that was insistent that Warren should campaign as a Republican and nothing else, and this sort of thing.

Fry: The head of your Fresno group was a Democrat, Jack O'Neil?

Draper: Yes, Jack was--I think you're right, he was a registered Democrat, but he had very often supported--I think he supported the Governor before, as I recall it. He was a pretty active businessman in the county. He was a very well-liked fellow, but some of the more partisan group of Republicans resented anything of this sort. And we pointed out that they just weren't being practical, which was about the only argument that you could use. It was a good one, but it wasn't always effective.

Fry: Well, not if they really believed in building up a party and running politics through a party, you'd have a problem--

Draper: That's right.

Fry: --in holding a party in power responsible.

Draper: Except nobody builds a party to lose elections, and if you're going to try to limit yourself to Republican votes you're not going to get anywhere. You just have to have a broader base and broader appeal than that, which mathematically is sound as a dollar, but it's not always sentimentally attractive to some.





## STRATEGIES

Fry: In the South, I understand it took a lot of persuading on the part of the Southern California committee to really get people behind the objective of winning both primaries, putting more money into the primaries on the gamble that then you wouldn't have to fund a general election campaign. Did you have that problem up here, too?

Draper: Oh, that was always a question, a practicality. We didn't have any great--dispute about it, but it is a thing to which you have to give consideration, of course, because money was a scarce article (I guess it always is), and that seemed particularly true for Governor Warren, at least in some instances. So you didn't want to waste it. And yet, almost any effective campaign would appeal to the citizens in general, pretty much regardless of their registration.

There again, we were helped by the fact that this wasn't (perhaps even less than it is now) a partisan state. For state elections--well, to start with, unlike many of the older states, California by law has its municipal elections, non-partisan, and its judicial elections are non-partisan. The party isn't even known or mentioned. If the candidate for one of those offices--even now, as then--if he tried to emphasize the party line in his candidacy for a non-partisan job it backfired on him, it didn't sit well with the electorate. So that we were satisfied in Northern California with the fact that any effective campaign you ran would appeal as much to those who were registered on the Democratic side as those who were registered on the Republican side. Oh, not quite as much, but the impact would be about the same. And ultimately if you went into November and you had to have the support of those people, you might as well start appealing for it now. It didn't make a whole lot of difference in the expenditure of funds.

Fry: Oh, it didn't?

Draper: As we saw it, it didn't. They may have had very different problems down south; I never discussed that feature much with Tom [Cunningham].



Fry: Did Warren have this idea, of going for a victory in the primaries when he first talked to you, or did it develop as you got started?

Draper: Well, I don't know that he ever stated that as an objective. Earl Warren was always a fellow who was pretty careful not to be unrealistic in optimism, and he didn't announce a lot of goals, and I don't think he set them for himself. But you've got to do the best you can.

Fry: Your mentioning the doctors brings up a point that probably gives us a more realistic view of the campaign. That is that campaign support, like the Legislature, was really more divided along the lines of interest groups rather than the lines of parties in those days.

Draper: Yes, that's in effect what I've been saying. We were somewhat a non-partisan state.

Fry: And along the lines of interest groups in '46, the doctors were a problem. Maybe most doctors were still pro-Warren at that time, but the leadership was not.

Draper: The switch was beginning. I think the peak feeling on that came a little time later. It was a factor. I think perhaps my own observation was the religious opposition on that issue was somewhat a greater factor than that of the medics themselves.

Fry: That's interesting.

Draper: Of course the church, as such, doesn't endorse anybody. We got some endorsements from leading Christian Scientists which tended to offset that a bit.

Fry: [Laughter] That must have helped. What were the Christian Scientists doing? Were they--

Draper: They weren't out on any political stump, but the word passes among them--that kind of campaigning sometimes is the stuff you have to be most afraid of.

Fry: Yes, that's the kind that's hard to locate and answer, isn't it? I was wondering what other groups might have been anti-Warren at that time. Kenny had the support of some of the more radical liberal groups.

Draper: Yes.

Fry: Was CIO anti-Warren?

Draper: No, I think Warren had a pretty strong labor support. Neil Haggerty, who was the executive secretary of the state AFL was a very active



Draper: Warren supporter at all times, and a great many others were. No, Warren had a very good labor support. There was a considerable contest for labor's support, no question about that, there always is.

Fry: Was oil--

Draper: But Warren seemed to have a tremendous rank-and-file following among labor and in addition he had pretty good support among the leaders, so he was in good shape.

Fry: What about the independent oil companies? Did they withdraw their support in this campaign?

Draper: Well, I don't recall. They were largely located in Southern California, and I didn't run into it a lot. My recollection is that some of the--I forget who that man who headed Superior Oil--

Fry: Bill Keck.

Draper: Yes. I think he was not very strongly Warren. He may have been strongly the other way, but it was a little difficult for a lot of those fellows, you see, to support Bob Kenny.

Fry: [Laughter] Right!

Draper: And they had their problems. They might drag their feet, but not a whole lot more was done. Well, it's obvious from the results there wasn't a very strong opposition to Warren.



## TECHNIQUES

Fry: Who was your paid professional campaign manager?

Draper: Joe O'Connor.

Fry: How did you choose him and who was he?

Draper: I think he was--it was largely the recommendation of Bill Sweigert that got him the place. Bill had known Joe. Joe had been active in San Francisco political campaigns over a great many years, and I always thought that he was a little bit lost once he got outside San Francisco. Joe liked to have a lot of organizations endorsing--some of the organizations I'm afraid might have existed only at campaign times. [Laughter] And he did a good bit of that sort of thing. I didn't think that Joe was too helpful over the state as a whole. He was just beyond his depth.

Fry: That must have put more of a load on you.

Draper: We didn't call on Joe for as much in the area outside San Francisco that we might otherwise have done.

Fry: What about Verne Scoggins? When you had to have help outside of San Francisco, was Verne Scoggins, who was up in the office in Sacramento, able to help?

Draper: Oh, Verne, sure! Verne and Bill did everything they could, and a lot of it.

Fry: They were both kind of on leave from the governor's office and in the campaign office at that time, I believe.

Draper: That might be true. I don't recall. I know that on one occasion we had three phone calls from Sacramento at the same time in the San Francisco office, and when we were finally able to answer them, it turned out that all three of them were from Bill. [Laughter]





Draper: Very excited about the whole thing. Bill was a very intense fellow and very able. He knew what he was doing. Completely devoted to Earl Warren. Verne, of course--his field was the press, and he was advisory largely in that capacity. We didn't have a full-time publicity man for the Northern California organization--the one whose name I couldn't recall and don't now. George somebody (I think it was "Linn.")

Fry: George, we shall call him.

Draper: But you could call on those staff people for ideas, surely.

Fry: When you mentioned getting out material--literature and speeches and so forth--did you write those here, or were they written in Sacramento?

Draper: Well, I think a good bit of that was done by Bill and Verne.

Fry: And these would be hand-outs and posters and pamphlets, things like that?

Draper: Yes, you have to have a pamphlet--a campaign pamphlet. I don't know how much good it does, but you always have to have them. [Laughter] Then you get out mimeographed letters to your county committees firing them up on this, that or the other thing, when a particular question arose. A number of counties suggest answers that had been found reasonably effective and this kind of thing.

Fry: I wish we could find someone who's kept a file on those. They'd be so interesting now.

Draper: I had some files on it, but you never get it all.

Fry: Most of those 1946 central files have been destroyed Judge Cunningham says.

Draper: Long gone. They take up a lot of space, those things.

Fry: That's right. I wondered if you could kind of give us an appraisal of how much Warren himself directed the campaign?

Draper: Oh, the campaign is essentially that of the candidate. Certainly with as strong a character as Earl Warren that's true. It has to be. You can't announce a position for him that he won't agree with. The campaign goes right down the drain if you do it.

Fry: In the rare instances that it was tried, the people disappeared instantly from the campaign. [Laughter]



Draper: Well, that's as it should be. He's the candidate, and most of us who were active in the campaign were so because we felt he should have strong opinions and agreed with those he had.

Fry: Did you have any problems getting quick decisions on things?

Draper: Well, sometimes that was true, yes. Inevitably it was true, but if that were so you had nothing to do but play it by ear and hope it came out all right, and it usually did.

Fry: It certainly did in this campaign.

Draper: We had some problems, of course. Earl Warren does not have a strong voice, and it weakened a bit with sustained use. As I recall it, we used to try to--as it turned out, it used to be a good economical measure, too--but we tried to limit the campaign address by him to fifteen minutes. You know, he doesn't have a deep, booming voice, and also it began to weaken about that time. That was one little problem that sometimes it took a little doing, because if he had a lot to say he darned well wanted the time to say it. But we had the limitation of both money and this other one, which we didn't mention too much but which we were acutely aware of.

Fry: I guess that you were able to clue him in on what should be said in various locales, right?

Draper: Well, you made suggestions, and whether he took them was his business. And I don't by any means suggest that he did, and I wouldn't have much respect for him if he did. Because of course the suggestions come from an infinite number of people and they vary, they contradict. No, that's right, we did try to do that. And, of course, when he was out on the stump we tried always to be in a position to clue him in on names as people came along.

He didn't have to do it, but he had a very good memory for names and a wide friendship. And he had a remarkable liking for people. There was one big problem of having him on a trip somewhere: you operate on a very tight schedule, you're due in such and such a town, and you stay overtime in this one, and you don't get there. One of the big problems was if a group came around and people wanted to come up and shake hands and chat a bit, one of the big problems was to get him to say goodbye and get out of there, because he got really interested in talking with them and he wanted to do it.

But he had a remarkable knack for campaigning. He was to be envied by anybody who goes into that field and in other fields, too. It's a murderous thing, this campaign business. It takes a man with a physique of a horse to do it, and with a remarkable mental adjustment. But he could.

If you've got one of these things where you make eight or ten speeches in a day, and stop in each place, you start in the morning



Draper: with an early breakfast with a committee or some public group and go on to the next town at ten o'clock and another one at eleven, and so on. I know I, if I had been doing it, would be wondering about the last one and worrying about the next one all through the trip. He could get into the bus and sit down and go to sleep, nap for fifteen or twenty minutes or whatever the time was, and get up fresh and go on again. You couldn't do it without that knack, but not very many people had it.

Fry: Did he ever fly, or was this mostly by car or train?

Draper: No, there was--there was a good bit of flying. As I recall it, Emerson Murphy, who runs the Villa Chartier Restaurant in San Mateo (he's been a long-time booster of the governor), I think it was in the '46 campaign, maybe it was later, Murph made available his own plane and his pilot on an expense basis for the governor, and it was used somewhat. Of course flying was not as major a means of transportation then as it is now. Of course the bulk of campaigning is done on hops between smaller cities--you wouldn't be taking a plane. But you have to get from one area to another, and that was done, yes.

Fry: I guess it was Judge Cunningham who told me that toward the end of the primary campaign you and he got together and made speeches as sort of a final appeal to voters, is that right?

Draper: Yes, that was the close-out of the campaign. We weren't together. We were on the same radio program; Tom spoke from Los Angeles, and I from San Francisco, and there were others, also. I think we got enough funds together to have an hour program, as I recall, although Tom may have a better memory on that than I do. I'm quite sure the Governor spoke, and Tom spoke, and I did. I think we had another one or two from the state also.

Fry: By that point, what were you emphasizing?

Draper: Just the windup of the campaign, all the points that--you try to hit the things that have taken best.

Fry: What I'm asking you is what did seem to have been most effective at that time?

Draper: Well, I don't have a copy of what I said, and my memory fades a bit, I know, but there was still the "package deal" quite a little on the attack side; and on the affirmative side emphasizing Warren's accomplishments in his four years as governor. Which ones in particular I can't tell you. It was a long time ago.

Fry: Did you ever use, in opposition to Kenny, the tactic of fighting the left-wing element, much of which was supporting Kenny?

Draper: Oh--



- Fry: And at that time others had charged Kenny with being a Communist, and so forth.
- Draper: Well, you didn't do that. We certainly didn't jump Joe McCarthy's gun by finding one under every bed or something of that sort. And no, I--trying to tar the other fellow with a name is--other than something of his own device like "package deal"--is not very well received by most people.
- Fry: It seems to me that that would be Kenny's only other Achilles' heel, aside from the fact that he couldn't get any of the Democrats organized; but [laughter] as an issue that would have been a logical--
- Draper: Of course, his own campaigning did emphasize that feature, there's no question about it. But that you could let backfire on itself, you didn't have to.
- Fry: You mean his campaign emphasized--
- Draper: Not necessarily his own speeches, but his endorsements and this sort of thing. Except in a very rare instance you wouldn't want to attack a man because of this supporter or that supporter, and certainly to say, without complete proof, to say that a man is a Communist or a Bircher or a Fascist or anything of that kind--you just don't do it. Oh, there have been times of hysteria when it might have been helpful, but I like to think that none of us--neither Warren nor anybody in his group--was going to take that approach.
- Fry: According to what I read, this approach was never taken, and I thought that perhaps this had been a very talked-over decision on the part of the steering committee or Warren or someone who said, "Let's don't do this."
- Draper: I don't recall any such discussion of it. It seemed to me foreign to any issue in the campaign, therefore it never seemed to me anything to talk about a lot. I don't recall anybody who did feel it was worth hitting very hard. If there were, he didn't get any support.
- Fry: Well that's interesting, too--that it just never came up.
- Draper: I don't think it did. Oh, I suppose that some of the ultras would suggest that, but there weren't very many of those active in the Warren campaign.
- Fry: Did you really think that you were going to win in '48, when you went over to the St. Francis for the election returns?
- Draper: Sure. [Laughter] Sure, I thought so, sure. I don't think Warren did. I think he had a pretty good idea that it was going down the drain.





Fry: Oh, really? What gave you the--

Draper: He wasn't surprised by the results.

Fry: I guess he was glum about the whole way the thing had been handled.

Draper: Oh, yes. And most of us here in California were, because it wasn't a slam-bang-get-in-there-and-get-at-them campaign. This idea of trying to sit tight just doesn't fit a political campaign. You have to get in there and move.

Fry: That reminds me. In 1946 did you have any sort of voter surveys or polls that you could use in the campaign?

Draper: No, polling wasn't a very widespread activity at that time. There were some so-called gamblers' polls--men who reportedly wanted the information for betting purposes would send out postcards with a reply card attached. We didn't conduct them. Polling is an art (if it is that) which has developed only in more recent years.

Oh, of course, you had the Literary Digest poll, but that was one of Roosevelt's campaigns. They went out of business shortly after the election in which they were so wrong. It just ended then. But their polls were by no means scientific. They just sent out postcards right and left and the one where they blew up, it turned out that they had been so unscientific about it, some people would get a half a dozen of the same thing.

Fry: [Laughter] The same voter?

Draper: Yes. The thing was just silly.

Fry: Well, at any rate, polls didn't influence any of your moves in '46?

Draper: No. A lot of so-called experts had their ideas of what was happening, and you can feel trends a bit if your county people in one county start getting really worried; if you know them well enough to know they're not congenitally that way, then you begin to worry and wonder what goes on. Their enthusiasm is not so indicative because we all tend to kid ourselves and what we're for is going to win, you see.

Fry: Yes, or you wouldn't be working. [Laughter]

I'm going to go over these names that I've collected on the list of other people who might have helped. One group that I haven't asked you about yet is the Negro political community. FEPC was an initiative that was on the same ballot, and this had been quite a hot topic in Southern California. Did you have anyone coming to you for an endorsement pro or con on that?

Draper: I have no doubt (without having a distinct recollection of it) that we got them both ways. But, wait a minute--was FEPC on the ballot then or--



Fry: Yes, it was on the June primary ballot.

Draper: It was defeated rather substantially, as I recall it.

Fry: Quite substantially, yes.

Draper: No, I don't think--well, of course, it was the kind of thing in which the Governor would not have a lot of influence, and as I recall it, no particular position was taken on it. Maybe a political decision, but--sure, everybody wants all candidates and everybody else to endorse whatever program he has going, but you don't do it.

Fry: On persons who might have helped, someone said that everyone looked to Ed Heller as the boss of the money raisers. Was that true in this campaign, or was that later on?

Draper: I think that was probably later. And, of course, Heller was principally a Democratic fund raiser. He was active in the Democratic side of things.

Fry: Did he support Earl Warren?

Draper: I think he very likely did; I just don't recall. He was no major factor in our campaign, although I was not in on the money-raising side of it. He was not a member of the steering committee, and he was not one of those with whom I dealt as a money-raiser. He may well have contributed, and he may have asked others to do so, but if he did it was quietly and on an individual capacity.

Fry: I'm not sure if he was in all campaigns or just the later ones. I was trying to get a line on where he entered Warren's political life.



# ORGANIZING CALIFORNIA COUNTIES IN 1948

- Fry: I'm intrigued by your handling the 1948 Republican vice-presidential campaign for Northern California, then, which was quite a partisan campaign.
- Draper: Well, I didn't. I refused to--well, I shouldn't say refused--but I was not the campaign chairman on that. I did undertake a vice-chairmanship in charge of county organizations--just set up organizations in the counties and try to keep them going.
- Fry: This must have taken a different type of county organization?
- Draper: Yes.
- Fry: --because you couldn't use all those Democrats. [Laughter]
- Draper: No, and--
- Fry: Or could you?
- Draper: Well, if you could get them you could use them, but in a national campaign, partisanship is a great factor and it's a little more difficult to do it. And then also there were a number of Warren supporters who were not Dewey supporters, and that made something of a problem.

We did set up county organizations and they did good work, but our one effort to set them all together seemed a fiasco to me. Dewey was to appear in San Francisco to speak at the Civic Auditorium, and then we decided that this was a great time--to get the leading three or four members of each county committee down and have a reception following the speech and have them all meet the candidate. This fires people up.

So, we got them in, and I guess we must have had a hundred and fifty, or more, people down for the event. We had a sizable room--on the second floor of the St. Francis, a bar was set up, and drinks were available. The idea was that the presidential candidate would



Draper: get about and meet these people. But Mr. Dewey was a gentleman [laughter] of such fixed taste!--Dan London, the longtime manager of the St. Francis (he just retired) was the perfect host. He had a bar set up with everything imaginable in it, but Dewey asked for a brand of Scotch that even Dan had never heard of. Well, Dan scouted the place and finally sent somebody out on the street, and Dewey, I wouldn't say pouted, but he wouldn't have a drink, he just sort of stood around. Finally, by the time the man got back with the bottle, Dewey had decided that the evening was over and beat it. That didn't seem to me to be a very good way to persuade these people to go back and fire things up for you.

Fry: Did he never speak to the county campaign workers?

Draper: No, he met a few of them. He didn't stay as long as we thought he would. Of course, he had demands on his time, that's true. I understand that, and I may be very small about it, but that wasn't a success.

Fry: Well, I guess that contrasted rather sharply to the way Warren--

Draper: Oh, that's right! And of course Warren was not here at that time. Warren, of course, wanted to conduct an active campaign, and Dewey decided he was out in front, so don't rock the boat. It turned out he was very wrong, but I strongly suspect Earl Warren spent quite a good bit of national committee money telephoning Dewey urging, "Tom, get out and do something." But Dewey wouldn't do it.

No, that election was an unpleasant affair. Warren had a suite at the St. Francis on the night of the election, and a number of us met there to listen to the returns. My wife came up with me and we got a room in town and sat waiting for the country vote to come in from Ohio, and other states until about 5:30 in the morning, and it never did arrive.

Fry: [Laughter] One of the issues was the Taft-Hartley law at that time. Was Warren ever able to take a stand on that that you know about?

Draper: Well, he wasn't able to take a stand on an awful lot of things that he wanted to. That's what I'm talking about. He wanted to--

Fry: The reason I asked you about that is that I heard he made a speech on that in an industrial city, on the campaign swing by train, and I've been trying to locate which speech that was and thought you might know about it.

Draper: I don't know because I was following his part of the campaign only in the newspapers, you see.

Fry: I see.





- Fry: There is also the story of President Truman coming through California, and Warren's political Republican advisors felt that it would not be good politically for him to meet Harry Truman at that time, but as governor of the state he insisted on welcoming him. Were you aware of this? Was that a part of your scene?
- Draper: No, that would have been at the national organization level then. No, I was not aware of it, but I can see their trying to stop him.
- Fry: Did you have any problem with funding for the '48 campaign, with funds coming from the national committee, or the counties?
- Draper: Funds came from both those sources. No, I don't think we had any great problem there.
- Fry: You mean you were able to get all you needed.
- Draper: Oh, you never have all you want, but there was no gross shortage.
- Fry: The techniques, I guess, were different between '48 and '46, because you were appealing to partisan people.
- Draper: That's right, a very different type of campaign. Of course, so far as the county groups were concerned it's much the same, just trying to get the votes.
- Fry: What about getting endorsements? Was that part of your bailiwick in '48?
- Draper: Not too much, but endorsements of local papers in the several counties; yes, you tried to do that.
- Fry: Was that your job?
- Draper: Well, to sic the county committees onto it.
- Fry: To see their local editors. Did you have fairly good success in this?
- Draper: I don't recall. My recollection is that the newspaper support was predominantly for Dewey and Warren, which didn't match up with the popular vote.

There was one real amusing one in that '48 one--I think it was '48. The Warren chairman in Alpine County, the smallest county in the state, was the sheriff up there; I think his name was Brown. And of course at the wind-up of the campaign we were sending just a barrel full of stuff out to the county committee. One day Brown called me and he said, "Don't bother sending me any more of that stuff. It costs you a lot of money. You don't need it," he said.



Draper: "The vote up here is going to be so many to so many."

Fry: [Laughter] He counted them all!

Draper: I think there were about 250 votes cast, and by golly when it came out he wasn't three votes off. He knew everybody in the county and they'd told him how they were going to vote.

Fry: In the meantime you were building up your law practice in San Mateo, is that right?

Draper: That's right, and I was totally out of politics and wasn't in it a lot in this. This '48 campaign, of course, was a much less thing. The '46 one took an awful lot of time, and had we had to go into November, I don't know what on earth I would have done. I had not agreed to go through, but it's very difficult to pull out.

Fry: You mean you'd not agreed to go through the general election?

Draper: No. After all, the organization is always re-set, and nobody was obligating themselves to me and I hadn't obligated myself. But you have a practical obligation that I couldn't avoid. And, I don't know what on earth I would have done because I had taken altogether too much time for the several months of the primary campaign from my law practice. It was suffering and my partner was beginning to wonder if I was practicing law, and my wife was insistent that I was doing too much traveling, I ought to be home once in awhile.

Fry: I understand that you were asked by Earl Warren to be the Commissioner of Insurance, but you turned it down, is that right?

Draper: Well, it may be I was. I know that Warren on one occasion did ask me about a commissionership; it may well have been insurance. But I wasn't interested. I had wanted to get back to law practice for all the time I was in the service. I was in it and I wanted to be there.

Fry: Yes, you had this marvelous law degree and you had been admitted to the bar and you had some experience, and you really had trouble getting back into practice.

Draper: Yes.



ON THE BENCH: THE JUDICIAL COUNCIL

Fry: You did accept an appointment as justice of--

Draper: I was appointed to the superior court.

Fry: Was that in San Mateo County?

Draper: Yes.

Fry: Did you turn down a judicial appointment previously?

Draper: No. That was the first one. There were darn few vacancies coming on. The San Mateo County court was quite small. We had had two superior court judges, one for forty-two years, and then in the early '30s the second department was created. Then when I was appointed the third had been created as a new department.

I had some grave doubts about taking it on, although I was remaining in the law. But the pay wasn't very good and I sat down and discussed it with my wife. I said to her, "Is this going to work out or are we going to regret having gone in for the lesser side of the cash?" And we decided that, well, it was worth it to do it, and I did. And that was it.

Yes, I took office down there in November of '49 and ran for election in 1950. Two local lawyers filed against me, both of whom started out the same: they just thought the campaign would increase their law practices. But one of them got very serious about it before he got through--but I won by about three and a half times the total vote of the two combined. But nonetheless, it was a campaign, and it's a very awkward thing to try to conduct a court and a campaign at the same time. I don't recommend it for anyone. But after that, no opposition, and then in 1957 I was appointed to this court,\* and I've been here since.

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\* California Court of Appeal, First Appellate District, Division Three.



Fry: If you have about five more minutes, the other thing that intrigues me is the judicial council. Can you explain to me, is this the judicial council of the state?

Draper: Yes, the Judicial Council of California. The only time I served on it was when it was smaller than it is now. I served as a superior court representative from about 1953 to 1957, and as a Court of Appeal representative from about 1958 to 1972. It consisted then wholly of judges; the chief justice is automatically chairman of the Judicial Council. He had one other member of the state Supreme Court. There were two or three members of the Court of Appeal, a couple from the superior court, and one or two, maybe three municipal court representatives, and also there was a justice court man. The appointments are made by the chief justice.

Now, the Judicial Council includes four members of the state bar, a representative from the Senate and one from the Assembly--usually the chairmen of the judiciary committees--and I guess that's the membership now. I think it now has eighteen members; it used to run about eleven.

It considers proposals for improvement of the administration of justice. It considers legislation that is proposed which will affect that and makes recommendations either way on it. It tries to survey the case loads in the several courts and make recommendations to the legislature when it's necessary for additional judges. Or sometimes added judges are suggested by a legislator or a court, and it's decided by the Council that they're not required, and the Council recommends against the legislature.

Also, they are the rule-making authority for the courts. A limited jurisdiction is given to the courts for covering the field by rule. The legislature has never completely given the court an untrammelled rule power; rather, it can principally make rules in areas that are assigned to it by the legislature. But in no event can it make a rule counter to a statute, and of course that means the legislature can upset a rule by adopting a statute the other way.

But it's been a quite effective thing. I think it's served quite an excellent purpose, when you consider. There's a wide representation of both types of courts and geographical locations of courts: usually a pretty good statewide view.

Fry: What have some of its more important challenges been since you first went on it? Court calendar problems?

Draper: Well, I haven't served on it for seven years. Oh, always, always. Of course in 1950 the Council was quite active in the campaign for constitutional amendments which established the municipal courts as a statewide thing.





Fry: System?

Draper: Yes. And greatly reduced the old justice courts and cut out--we then had either seven or eleven varieties of courts not of record, either justice court or recorder's court, city court, any number of them. The amendment cut it down to just municipal courts and the justice court. It's worked very well. Once the system was established by the constitutional provision, then there was the matter of setting up the municipal court districts in the several counties. The Council make recommendations which were sometimes accepted, sometimes weren't on that. I guess that was a major accomplishment.

And then of course, the rules on appeal are strictly within the jurisdiction of the Judicial Council. There have been modifications of those from time to time. The proposal, the present legislation which makes some traffic offenses infractions rather than crimes--misdemeanors--originated with the Judicial Council, and it took a long, long time for it to perc[olate] and take.

Fry: And the issue, too, of non-victim crimes. Would that be something the Judicial Council would consider, whether to continue these on the books or not, as crimes?

Draper: It might interest itself in it.

Fry: This never came up when you were there?

Draper: No, no, and it is so much a political thing that I don't know how far the Council would get into it. It could well have recommendations on it if the legislation was proposed.

Fry: This has been so nice of you to talk to--

Draper: Well, I hope this has been of some help. I'm sorry that memory doesn't--a month or two after the campaign I would have been full of information for you.

Fry: Yes, I'm sorry I wasn't here then, too, to ask the questions.

Transcriber: Gloria Dolan  
Final Typist: Beverly Heinrichs



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Earl Warren Oral History Project

William S. Mailliard

EARL WARREN IN THE GOVERNOR'S OFFICE

An Interview Conducted by  
Amelia R. Fry





William S. Mailliard  
1974



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## INTERVIEW HISTORY

At the time of this interview--October 5, 1971--William Somers Mailliard was not yet Ambassador to the Organization of American States. He was Congressman Mailliard from San Francisco and had been a naval attaché at the United States Embassy in London (1939-40), an assistant director of the California Youth Authority (1947), a secretary to Governor Earl Warren (1949-51), and an assistant to the director of the California Academy of Sciences (1951-52).

The story of his experiences as a member of Governor Warren's staff was the focus of this interview. As travel secretary, he had been necessarily close to the Governor, and for extended periods. Also, as a Mailliard, he represented a San Francisco family long noted for its efforts on behalf of community interests. As a son of J. Ward Mailliard, deceased by the time of the interview, he could pass along any family stories about his father and the Governor.

The interview was not one long-planned in advance. Approximately two days ahead of time Congressman Mailliard was contacted about a date to tape record, and he unhesitatingly complied with the request. It was held in the afternoon in his offices in the House Office Building in Washington, and he was ready with his stories and appraisals of the Warren office. Mercifully, the bell calling him to the floor for a vote did not ring until the very end of the interview, and we had about two uninterrupted hours to talk. It is an obviously enjoyable session for both parties: For the Congressman, perhaps it was a break from the legislative crush of 1971 to share his memories of twenty-odd years before. And for the interviewer, it was delightful listening to one who so vividly painted--and with a sense of humor--the pressures, trials, and accomplishments of the time. One could see proof of his remark that he speaks best "off the cuff" rather than in formal speeches.

The transcript was rough-edited in this office and sent to him late in 1974. On March 5 of that year he had "resigned" from his eleventh term as Congressman and on the same day had been sworn in as Ambassador to the Organization of American States, a post to which he was appointed by President Nixon. Even though he was incredibly busy, he found time to go over the transcript, straighten out ambiguities, and return it in short order. He also deposited his papers in The Bancroft Library.



Some day the full story of William S. Mailliard, as well as his notable family, should be told. In the meantime, this interview suffices as a personal record of that slice of his life that was close to Earl Warren.

Amelia R. Fry  
Interviewer-Editor

21 May 1975  
Regional Oral History Office  
486 The Bancroft Library  
University of California at Berkeley



I BEGINNING A PUBLIC SERVICE CAREER  
(Date of Interview: 5 October, 1971)

The Youth Authority

Fry: How did you happen to become involved in government?

Mailliard: To explain the connection--you may remember that Charlie Blyth was Earl's [Warren's] Northern California finance chairman in his first gubernatorial campaign in 1942. And then they had a falling out, and I never knew precisely what it was about, but I suspect that it had to do with state bond issues. I never inquired. This happened during the war.

Fry: That's a pretty well-educated guess, judging from what we've gathered.

Mailliard: I never figured it was any of my business, so I never asked.

Anyway, they had some kind of a falling out; I don't know what it was. And at that point apparently there was some difficulty in finding somebody who would take that finance responsibility, so my father took it; he became the Northern California finance chairman for the 1946 campaign.

Here's how I got involved in the '46 campaign. I had just come out of the Navy. During the course of that campaign (or probably before it, but in 1946) we ran into the governor one day on California Street [in San Francisco], just walking down the street. We got to chatting a little bit. Apparently my father had told him. Anyway he said, "I understand that you have a great interest in governmental things. It's hard to find people who are interested, and I just wanted to ask the question. If a job



Mailliard: came along and you were offered it, would you take it?"

And I say, "Probably, if it's in state government."

Well, nothing happened--I was working for a bank then--until, I would guess, January of 1947 when I got a phone call from the governor saying that the legislature had just created a new job of assistant to the director of the California Youth Authority--a non-civil service position. Was I interested?

I said, "Yes," and about a week later I guess Karl Holton came down to San Francisco and we had lunch and I took the job.

Fry: Did you have any connection with corrections, as a field?

Mailliard: None whatsoever. Both the governor and Karl explained that the Youth Authority was full of a lot of very talented social workers, but that they needed a little administration. [Laughter]

Fry: Yes, I see.

Mailliard: So, I took the job and travelled a lot around the state. When they put all the juvenile correctional institutions together under the Youth Authority in war time, each one of those institutions had previously operated almost independently. They didn't have the same administrative procedures, they didn't have the same personnel policies, they--it was a hodgepodge. So nobody had really done anything about it.

So, I went to work to try to improve the administration. I spent an awful lot of time in all of the institutions, not very much in Sacramento. I was actually home-based in San Francisco. I had an office in the Youth Authority office in San Francisco where Roy Votaw was the head of the delinquency prevention end of things, so that I also got involved in that.

Anyway, I saw the governor fairly frequently during that year.





Fry: Was this because he was interested in the Youth Authority?

Mailliard: He was very much interested in it, and as a matter of fact I spent also a good part of that year gearing up to the Governor's Conference on Youth in Sacramento. So I had a lot to do with the governor and his staff in putting this thing together. It collected all the people in the state and some from out of state who were interested in this.

Fry: His personal secretary, Helen MacGregor, tells me that was one of his better conferences.

Mailliard: It was a tremendous success. It focuses public attention, it also gets the pros from Del Norte county talking to people from San Diego. Not only do the formal sessions instruct a lot of people, but people get together for a drink afterwards and it gets communication going in the field that's involved. It brings the professionals together with the public people that serve on boards, and brings the juvenile court judges together with the probation people and so forth.

Then, of course, the White House has picked this idea up. I'm sure others have done it, too. Some of the White House conferences have been very successful, but a lot of them have not. For one thing, it's too difficult to pick the people nationwide.

Fry: My impression of the White House conferences is that they did come out with reports which sometimes were rather startling to the administration.

Mailliard: Yes, and sometimes were not very thorough reports. They have a tendency to be--I won't say demagogic--I don't think that's the right word, but they have a tendency to be--

Fry: Pedagogic?

Mailliard: Yes, not too much substance and a lot of rhetoric.

Fry: Were Warren's reports widely used afterwards?



Mailliard: Well, I wouldn't really know, but my impression is that they were. I left the Youth Authority just about that time, but when I ran across people later whom I'd known at the Youth Authority, you'd find people talking about certain ideas and certain sections of these reports. I think the people in the business really did use them.

Fry: I don't have my chronology here--was this conference just before a particularly important piece of legislation that concerned youth in California? In other words, if people gathered like this, and if they went to see their legislator while they were there--

Mailliard: If there was any significant legislation directly tied to it I don't remember it. I don't think there was. I think some legislation came out of it, but I don't remember that this was tied to any particular legislation.

#### Candidate for Congress, 1948

Mailliard: It was during that--right in the middle of the conference, which as I recall was in January, 1948--that I got a phone call from a very old friend of the governor's, and of mine, Jesse Steinhart, whom you must have come across. And Jesse said, "Bill, I want you to run for Congress."

And I said, "Well, that sounds like the stupidest idea I've heard in a long time. Why?"

He said, "Well, when you're back in San Francisco, will you come in and talk to me about it?"

So I was back in San Francisco a couple of days later and went in and talked to him about it. This is really neither here nor there, but there were three prospective Republican candidates, all somewhat mediocre, and each with a piece of support in the town, which would have meant under the old crossfiling that the incumbent Democrat would have won both nominations.



Mailliard: Jesse had the idea that if I jumped in, the others might get out--which they did.

But I told him that I couldn't give him an answer until I talked to the governor. My father and I were at some shindig at the Bohemian Club and the governor was there too, so we cornered him in the library and I said, "Shall I run or not?"

And he said, "Well, you'll probably get defeated, but go ahead and run."

So I did and I was defeated.

Fry: Who was the Democratic candidate?

Mailliard: Franck Havenner.

Of course, the governor ran for vice-president the same year, and I did see him once or twice, but I really didn't have any close connection with the Dewey-Warren campaign.

Fry: Did you crossfile?

Mailliard: Yes.

Fry: Did you get much Democratic support?

Mailliard: Quite a bit. We both crossfiled, and I got more combined votes in the primary than Havenner did. But of course the big vote comes out in the final election in a presidential year and that's a heavily Democratic district. I lost by about 5,000 votes, which was pretty respectable for the first time out.



## II CALIFORNIA REPUBLICANS IN THE FORTIES

### Convincing Warren to Run in 1942

- Fry: It intrigues me that Jesse Steinhart called you up and was the person who suggested this to you. It doesn't surprise me, because although we began interviewing after his death, others have told us that he was one of the very important people who was first aware that Earl Warren would be a good person to run for governor.
- Mailliard: He and my father were both in on that.
- Fry: I wondered if your father had anything to do with it.
- Mailliard: Oh, yes. This is all hearsay on my part, because I was out of the country.
- Fry: But your father must have talked about it some.
- Mailliard: Yes, he did, some. I remember he told me about it. He and Jesse, and I don't know whether Charlie Blyth was in on this or not, I don't remember now exactly who the people were, but anyway-- Four or five of them went to see him in the attorney general's office in San Francisco. They said they thought he ought to run for governor, and he said, "No," that he had already made arrangements to get a commission as a colonel in the Army. He had been in World War I very briefly and thought he'd like to get into this one.
- Fry: Oh, really?
- Mailliard: Nobody's told you this? Well, I think that's correct, that he'd already made arrangements.





Mailliard: This was 1941.

Fry: This would have been right after Pearl Harbor?

Mailliard: He had already made up his mind. So they argued with him. He said, "Well, with Olson as governor, the way his people have behaved, there's no point in being attorney general. It's just that my hands are being tied at every turn."

The story I got was that he didn't particularly blame Olson, but Olson had been sick, and the crowd he had around him were trying to exercise law enforcement powers that they really didn't have. There was quite a rumble, I gather.

Well anyway, they put it to him this way, as I got the story: "Well, which is going to be more important, really, being governor of California or being a colonel in the Army?" They said, "We really don't think there is anybody else who can do it. And, you admit you don't want to run for attorney general again under these circumstances. What have you got to lose?" If you run and lose you can go in the Army then; the war's going to last a long time. If you run and win, you could be a tremendous asset to the country as governor of this state."

So, he agreed to run. And as you will recall, Olson failed to crossfile, which was a terrible tactical error on his part. [Laughter] That's the story; it's all second hand. I don't know any of it from my own knowledge.

Fry: As we talk to other people, we might be able to get the first-hand version of this.

Mailliard: Well, I don't expect there's anybody left alive that was actually at that meeting with Earl. Jesse's been dead for years, and my father's been dead for a long time. I don't know who else was there. I don't know if anybody on Earl's staff would have been there. Probably not, because not very many of his staff actually got in on these things. Later, when I became his secretary, I was one of the few of his staff that really saw a



- Mailliard: great deal of him. Part of that was because we traveled--part of it was because I knew the same people he did. For instance, when we went to Los Angeles, he'd go out to Asa Call's for dinner. If I was with him, I'd get invited because I had known Asa for as long as he had, or longer.
- Fry: Yes, probably as a little boy in knee britches.
- Mailliard: Yes, as a small child. So, I did a lot more things socially than "Pop" [Merrell F.] Small ever did or the people who came after me, because I wasn't just the governor's secretary, I was somebody they knew. So that meant, I think, that we did spend a lot more hours together than he did with most of the staff.
- Fry: Well, could you tell me from your own first-hand experience something that I know future political scientists are going to want to be piecing together, and that's how did Steinhart, Mailliard, and so forth in San Francisco fit into the whole picture of political support? They very carefully chose the candidates whom they would support and whose campaigns they would help finance. But can you describe the criteria for candidacy? What kind of people did they hunt for?
- Mailliard: Well, these were really a different breed than you see now, because they really didn't want anything out of it.
- Fry: Yes, they didn't get appointments, did they, as a result of this?
- Mailliard: My father did, kicking and screaming all the way. Earl absolutely forced him to accept certain jobs that he really didn't want. That's kind of an interesting story in itself, which I'll tell you.

After Earl became governor, and I don't know the precise date, but very early shortly thereafter, he apparently called my father. He wanted him to take an appointment to the Board of Harbor Commissioners in San Francisco.

Dad said, "No, that's not my bit. I've been president of the police commission and on the park commission in San Francisco. I just don't think



Mailliard: I can tackle it. I've got a ranch to run, with no help, and a business to run. Half of the salesmen are in the service. I'm just too busy."

And the governor said, "Okay, Ward, if that's the way you feel about it. I understand you have three sons in the service."

And Dad said, "Yes."

And he said, "Where are they?"

"Well," he said, "one's out in the Pacific, and I guess the other two are on their way."

Earl said, "Ward, I had a phone call the other day from the Secretary of the Army. He tells me that when we shift forces to the Pacific, the Port of San Francisco has got to carry ten times its designed tonnage of cargo. Do you think you want to reconsider your rejection of this job?"

I won't repeat what Dad said in turn. He said, "All right, you so-and-so, you've got me. I'll take it." [Laughter]

When the war was over Dad tried to resign and Earl wouldn't accept his resignation. So, when he was asked to take Charlie Blyth's place as Northern California finance chairman, he dictated a letter to the governor, and I happened to be in his office when he did it, and it ran something like this: "Knowing of your high principles in public office, obviously it would be incompatible for me to remain in a public job while raising funds for your re-election." That's how he got out of it. Earl bullied him into it and--

Fry: He wormed his way out. [Laughter]

Mailliard: And then later he did go on the California Centennial Commission. He and Bob Burns--I guess he's dead--from College of the Pacific.

Bob was on the fringes of an awful lot of things. I remember Tully Knowles was the ancient head of the college and they finally moved him up to chancellor and they brought Bob Burns in as president, and he really began to reorganize--



Mailliard: made a university out of it.

He and Dad were very close as a result of their service on the Centennial Commission. I think it was a three-man commission.

Fry: As I remember, it was Joe Knowland and--

Mailliard: Burns and my father.

Fry: I think that some of their events are some of Warren's fondest memories.

Mailliard: He was very much interested in it--and he always used to start his campaigns up in the Mother Lode country.

Fry: Columbia had a large celebration during the centennial. It was very successful from everyone's point of view.

Mailliard: Yes. I missed that for some reason. I think maybe--I don't know, maybe I'd left the governor's office by then.

#### Finance Committees

Fry: You were about to give me a description of what sorts of persons the Steinhart-Mailliard group would look for as candidates.

Mailliard: Well, Jesse was a very successful lawyer, and as you know, one of his partners was an assemblyman--a great big tall fellow--Joe Feigenbaum. He preceded Al Wollenberg, I think, in the state assembly. He was on the Harbor Commission at one time, too. Once again, I don't guarantee the absolute accuracy of this, but as I remember it there were fifteen men at this stage of the game who constituted the Northern California Republican Finance Committee. The staff man was Don Nicholson, who was also my campaign manager several times.

I think they just looked for the best qualified people they could find and if they could get them to run, they supported them.





Fry: Were they hunting primarily for people upstanding and honest? Did they have any particular political viewpoint regarding the broader issues like federal versus local control, or--

Mailliard: I don't think they were issue oriented at all. I think they just wanted quality people. I think that Earl would say they never bugged him--well, a few of them. Charlie Blyth, I gather, was one of them.

If you've been listening to the people talking about Earl Warren, you know that he has a memory like an elephant. He never forgets and he never forgives.

Fry: He remembers Charlie Blyth very well. [Laughter]

Mailliard: I can give you a long list of people he remembers very well, and he just absolutely has nothing to do with them. Once he figured they had crossed him, that was the end of that.

Now, Jim Lohead was one of the group. He was president of American Trust Company which is now Wells Fargo. As a matter of fact, my father was a director of the bank, which is the same bank I worked for. He and Jim were very, very close friends. And Jim's still alive. He lives in Piedmont, had a stroke, but apparently he's virtually recovered from it. He can probably tell you--

Fry: He might give us a line on this group and how it worked. I think it's important to get this described, because you don't find groups quite like that in most political scenes, **especially** in California where the whole political picture was oriented around special interests. How they were able to compete and educate various segments of the political community is an interesting question.

Mailliard: I think that this was an unusual group, and I think that there was a somewhat comparable group in Southern California, but I think there it was far more based on their interests and so on. I remember Asa Call, Preston Hotchkiss, Reiss Raylor, who was president of Union Oil and is dead now.



Mailliard: Of course, they all used to periodically get mad at Earl because something had been done that was not to their interest. Then they would have these-- Asa or somebody would give a dinner for about ten or fifteen of them in the south, and my father would give a dinner for twenty or thirty of them at the Pacific Union Club, and Earl would come down and charm them, and then they'd get back in line again.

In between times, they were furious with him about two-thirds of the time.

#### Warren and Oil Companies

Fry: Well, weren't you in his office when he had the big battle with the oil companies about the gasoline tax?

Mailliard: No, I was with the Youth Authority then, but I was very much in on it. This was one that I followed very closely. In fact, I got so darned mad at the oil lobbyists that I remember going down and having lunch with Ted Petersen, who was the president of Standard Oil, and telling him of my horror at the tactics that the oil lobbyists were using.

I said, "You know, it's awfully easy for you to sit up in this isolated splendor and pretend you don't know what your minions are doing, but I'm just here to make sure you do know what they're doing." I don't think that Ted let his company get too much involved in that kind of thing after that. But that was a brute. They won it by one vote.

Fry: Well, part of the pre-vote game was that they increased the price of gasoline by three cents.

Mailliard: They used every trick in the book.

Fry: I just wondered if this was one of the tactics that Petersen was aware of.

Mailliard: I'm not sure he was.



- Fry: They all raised it at the same time.
- Mailliard: I doubt that he really was. The real moving force in that fight was Bill Keck. The big oil companies kind of went along, but their hearts really weren't in it. It was the independents that were really determined.
- Fry: Did they stand to hurt more if sales were diminished? I fail to follow that logic now. Why they would think that sales would be diminished with more highways built, but apparently this was a very real concern--a belief--on their part at that time. What was the difference between the Petersens and the Kecks?
- Mailliard: Bill Keck, you know, it was his own creation, it was his own money that was involved--that's different than being president of a big corporation. Bill was really fighting.
- He and Earl--I don't think they ever spoke after that. Keck spent fortunes after that to see that Earl was never nominated for president. It was a real vendetta.
- Fry: I understand he really fought him. Who was the Keck lobbyist?
- Mailliard: I can't remember.
- Fry: Did you speak to any of the lobbyists for Standard Oil or any of the larger companies at that time?
- Mailliard: I don't think I did. I mean, I knew they were around. I knew who they were, but they didn't even know I was interested. I was on an unrelated job, but I was interested.



### III TRAVELS WITH WARREN

#### The Governor's Speeches

Mailliard: Anyhow, to proceed with the main narrative--after the governor was not elected vice-president and I was not elected to Congress, I was getting ready to go back to the bank, and I got another phone call saying, "Will you come be on my staff?" \*

Fry: From whom?

Mailliard: The governor. I said, "Yes." He said, "Don't you want to know what the salary is?" I said, "No."

That was another story: the staff used to fight him; he was terribly stingy.

Fry: Well, yes, this will go along with his idea of economy.

Mailliard: And the staff used to be hitting him up for raises all the time--I used to hear Pop [Small] and some of the others. So I figured, well obviously, this isn't the tack to take. So I never, ever mentioned salary, and I think I got five raises in a year and nobody else got any. The ones who were asking for it, he was too stubborn to give it! [Laughter]

Fry: In view of that, how do you account for the longevity of all of his staff members' tenure? He didn't have much turnover.

Mailliard: Well, yes, he really did. There were a few who stayed all the way through, who came from back in district attorney days--but very few.

---

\*See appendix.





Fry: Of course, those are the ones whom we know, because they get a higher priority on our interview list if they've known him in previous spots, too.

Mailliard: That's right--those have a tremendous loyalty to him. And those I think probably were pretty well taken care of.

Fry: It was the appointees after he came into the governor's office [laughter] who didn't always last too long?

Mailliard: His staff grew up to be quite a large organization. Bill Sweigert was the head of the staff. He left just as I arrived, but I used to see a great deal of him.

Working for Earl was tough. He was a terribly, terribly demanding guy. He demanded a lot of himself, and he demanded an awful lot of his staff. Some of them--Bill was one--he just figured he couldn't take it anymore. You had to be there a hundred percent, or it wasn't satisfactory.

Fry: Were the hours long?

Mailliard: Well, of course, mine were absolutely incredible. I think I had a period of six months where I spent two weekends at home. I worked seven days a week.

Fry: Can you describe what sorts of travel were involved besides campaign travel?

Mailliard: Well in a sense, he was campaigning all the time.

Fry: His Southern California connections had to be kept up?

Mailliard: We went down there a lot, and San Diego, all over the state, to county fairs, and all kinds of conventions and meetings. I had charge of the calendar, so I know that the number of invitations were absolutely fantastic.

He found it hard to say no. He was often sorry he accepted. He'd procrastinate to beat the band, not make a decision, but wait to see if



Mailliard: someone would call him and--

Fry: --cancel?

Mailliard: No, he'd wait to see if someone would call him and urge him to come. Meanwhile, these other people would be calling me every hour on the hour and I couldn't get an answer out of the governor. I finally began to make decisions on my own, and then he'd give me hell, usually. I never accepted without his okay, but I used to turn a lot of things down. Then somebody would get to him and he would say, "You never told me about that." And I would say, "I tried for ten days, and I couldn't get you to talk about it."

That was a rather hairy business, and very interesting.

I went with him to governors' conferences, and anything else that he did.

Fry: To New York? He made some trips then on behalf of the water plan.

Mailliard: He came back to Washington several times on that, and I remember he testified on behalf of statehood for Hawaii. I can remember going to national Bar Conventions in St. Louis. I don't know, he used to do a certain amount of things out of state.

### Speech Writing

Fry: Could you describe how he functions? In other words, when he has a close schedule and he has a speech that isn't quite finished and he has to write a little more on that?

Mailliard: Speeches drove him up the wall. I had told him when I went to work for him, I said, "I'll do anything except write speeches." I just don't have any facility at it. I can visualize--I knew him well enough by this time and I knew his staff well enough to know that if I ever got stuck with that--! You see, usually, he would never look at



Mailliard: a speech until he was on the airplane, on the way, and then he always hated every one of them.  
[Laughter] Even if he wrote a speech himself, I don't think he would have liked it.

They had a fellow named Roger Dias who was writing speeches--and just drove him up and down the walls--so I ended up many times re-writing the speech overnight.

Fry: Just before the zero hour?

Mailliard: I can remember one--oh, it must have been Memorial Day or something--anyway it was some patriotic situation--out at the Coliseum in Los Angeles. He started to read the speech on the way down and he just threw it on the floor.

He had a completely tight schedule. "You'll just have to let me go without you," he said, "and you'll just have to stay in the hotel and give me something." Kyle Palmer came to breakfast.

Fry: The Los Angeles Times political writer, yes.

Mailliard: I told Kyle, "I've read the speech, it's very fluid, pretty good, and I'd like you to read it and not let the governor even look at it until he's on the podium, 'cause if he looks at it, he'll throw that away too."

Kyle went in the car with us out to the Coliseum and Earl said, "Can I have a look at that speech?" And Kyle said, "Never mind, Governor, I've read it. It's good. Don't even look at it, just give it." [Laughter]

Fry: He really did agonize a lot over his speeches, then.

Mailliard: You know, he and I had a running battle. I would carefully go through the speeches that he would write and unsplit infinitives, and he would promptly go back and split them. He likes split infinitives. [Laughter]

Fry: That would go with a certain hominess he seems to exude.



Mailliard: I hate split infinitives. He loves them.

Fry: I guess at least you learned to write speeches on this job, then, for your later political career.

Mailliard: Well, I didn't really write very many, but I used to try to clean them up. He'd start working them over and wouldn't have time to finish and I'd try to put them together.

I'm very much the same way. I despise speeches that are written for me; and I don't have time to write my own. I know exactly how he feels.

Fry: It must be a real dilemma for someone in public office. What you say is so terribly important to your career because you can lose votes and make votes in your speeches, of course.

Mailliard: He did best off-the-cuff and so do I, but sometimes you can't do that. You've got to have more substance and you can't use false figures or be inaccurate.

#### Sacramento Executive Office

Fry: Was Verne Scoggins in the office when you were there? Did he ever speech-write?

Mailliard: Yes, occasionally.

Fry: But he was primarily press releases, wasn't he?

Mailliard: Yes, he was the whole press relations. He had quite a little office of his own. He had some guys working for him, too. He has quite an abrasive personality, but he was a very capable guy.

Fry: Yes, I've heard that from some of the other members of the--

Mailliard: Actually, I rather liked him. [Laughter]

Fry: Well, he's been awfully nice on our project. He gave us a Scoggins account.





- Mailliard: He was living in my district--not very far from me--but I don't know where he is now. I haven't seen him for a long time.
- Fry: I'm not sure where he's living in San Francisco, but he's still working very hard--right in the middle of things. Mostly ballot propositions.
- Mailliard: Yes. Well, you know, I was the one that got him that Post Office job that he had for a while. I don't think that he liked it and I don't think he did very well.
- Fry: Why did he change to that job?
- Mailliard: Well, he didn't have anything to do.
- Fry: So this was kind of a stopgap situation--it turned out to be that, I guess--after he left Warren's office.
- Mailliard: Yes. I guess Jim Welsh is around. I haven't seen him for a long time. He's a municipal judge, I think, in San Francisco. He was the appointment secretary. He was the one who had to deal with all the candidates for judgeships, commissions, etc.
- Fry: Was James Oakley there?
- Mailliard: He came there the same time I did.
- Fry: Maybe you can tell us something about him, because he died last year very suddenly. He had a heart attack and we had just begun our interviews.
- Mailliard: Beach Vasey would know more about him than anyone else. He was a very nice guy; I never thought he was particularly effective. I wasn't there under Sweigert, but I suspect that Sweigert really ran things a lot more--Jim was more a manager than anything else. That got to be a big office.
- Fry: Yes, that sort of puzzles me, because when I talked with Judge Oakley, he seemed to be primarily a research man; this had been most of his experience in the D.A.'s office and the attorney general's office, and I could tell he was extremely thorough and meticulous in this.



Mailliard: I never felt that Jim was in on policy questions-- I think he more ran the office--whereas I suspect that Sweigert was.

As I say, the day I reported was the farewell party for Sweigert.

Fry: Well, when you were there, who were the policy-making group? In the later days of his office.

Mailliard: I don't think there was too much of it as far as the staff was concerned. His consultants were mostly outside the staff.

Now Beach Vasey was the legislative man, and in matters of dealing with the legislature he was entirely apt. But it was pretty well fragmented. How much Helen MacGregor had to do with it I was never really sure, because I was almost never with the governor when she was. I saw him when we were away. I very seldom saw him when we were in Sacramento.

Fry: Did you help with appointments?

Mailliard: Only on rare occasions. When certain situations developed when the governor really wanted to go out and look for somebody, I sometimes would do that. But I didn't have anything to do with--

Fry: When did he have to go out and look for somebody?

Mailliard: Well, I can remember one example where we had two fellows really fighting it out for appointment to superior court in Marin County. One was the district attorney and the other was the state senator. The whole county was choosing up sides. There was no way of winning.

So, I went in to find out who was the most respected lawyer in the county. And when I identified him (which wasn't very difficult to do) the governor called him and asked him if he would accept an appointment as judge of the superior court. It never entered the fellow's head that he wanted to be a judge. He took it, and nobody could criticize the governor.



Mailliard: This was a way out of a bad political situation. Two popular and well-known public officials were both scrambling for it. We just went in and found a guy who was better qualified than either of them.

Fry: You didn't have too much to do, then, with the legislature. You were there when the Korean war broke out, though, I guess.

Mailliard: Yes.

Fry: Publicly there was some negative reaction when Warren went into his civil defense theme, which he had gotten, of course, in his experience with Pearl Harbor. Apparently, the general public didn't feel this urgency, since Korea was so remote. Is that your idea of it?

Mailliard: That's right.

Fry: This was a difficult time then?

Mailliard: Well, it was. I think what was behind it all, is that Earl was trying to use this to build an effective disaster relief organization which we didn't have. I think he was trying to tie it to the Korean war and it was a little difficult to persuade people that this was anything that urgent.

#### Standley Commission on Organized Crime

Fry: The other that I wondered about was a little earlier than that. It was his difficulty with [Frederick Napoleon] Howser as attorney general. Were you in on that?

Mailliard: Yes, I was never directly involved in these things because mine was an aide function, and to some extent an alter ego, just to have somebody to talk to. I didn't have any direct responsibility in these things. I covered the whole waterfront and didn't have any specific duties.



Mailliard: Sure, we knew, of course, that Howser was a crook, and Earl, particularly, knew because of those gambling ships in Los Angeles when Howser was district attorney. One of the main reasons for the creation of the Commission on Organized Crime was to watch Howser.\* Of course, old Admiral Standley was a great character.

Fry: He was the chairman of that commission?

Mailliard: He was a tough old bird.

Fry: I don't really know much about him. Of course, we know Warren Olney, III, and his work, but why an admiral--

Mailliard: Because he was a tough old cookie. He'd been ambassador to the Soviet Union and not just an admiral.

Fry: I didn't have him connected with that.

Mailliard: I think I probably was the one who suggested him. Standley was born in Ukiah. We have a ranch near Ukiah so I knew him. One of the things that really appealed to me about Standley--he had a beard--[was straight as a] ramrod--very severe. He was just a guy who couldn't be smeared. His reputation was just too damned fine.

To give you a clue to old Admiral Standley, when he was ambassador to the Soviet Union, he went to a party in New York, and some giggling debutante started gushing around and making a big fuss about him, and finally this girl said, "Admiral, I notice in the paper that when you go back and forth to your post, that you travel on a French line, and I can not understand an Admiral travelling on a French line. The French are lousy sailors; their ships are always catching fire at sea. I can understand your sailing on a

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\*Special Crime Study Commission on Organized Crime, 1947-50. Another such commission was appointed in 1951.





Mailliard: Norwegian ship, a British ship, or anything, but why would a seafarer like you travel on a French ship?"

The old man stood as much of this chatter as he could tolerate, and he finally said, "Young lady, everything you say about the French as sailors might be true, but at least with the French there is none of that goddamned nonsense about women and children first." [Laughter] People loved the story.

Fry: I see what you mean, then. He was someone who was able to handle Fred Howser.

Mailliard: Well, he was a good front man. But he could stand pat.

Well, I can't remember, but I think that Bullitt and Harriman and Standley, I think, were the first three ambassadors to the Soviet Union.

Fry: In addition to this corruption that Warren was so concerned about with Howser, apparently there was also a connection between Arthur Samish, the lobbyist, because Howser had more or less been Samish's boy as a nominee. What I'd like you to comment on: was Warren becoming any more exasperated or aware, or were pressures building on the whole problem of the power of the third house? Because shortly after that it came to a head.

Mailliard: I did not detect any direct relationship here. As I understood it (and I was not deep in it at all), it was common knowledge that Howser was going to organize the slot machine rackets with a payoff in every county in the state.

The governor's powers are really very limited. The attorney general has enormous constitutional powers, and not only that but Warren was very, very sensitive about this because of his trouble with Governor Olson when Warren himself was attorney general.

Fry: And Warren's the one who got for the attorney general all those powers, too, through his own efforts for the constitutional amendments in 1934.



- Mailliard: So, as I understood it, there was some concern about evidence that organized crime was moving into California, and that it was corrupting the lobbyists, and the whole ball of wax began to look a little unsavory. But one of the duties of the crime commission was to keep Howser under surveillance, with the result that he never was able to put it together. It was commonly understood; Howser even told friends that he only wanted to be attorney general for four years and that he'd retire with a couple of million dollars. And so one of the functions was to keep his hands away. Just not let him do this. They succeeded, as far as I know. I don't think Howser was ever able to get it organized. Let's face it, Howser is a bad name, because you remember there was also a lieutenant governor named Houser--every time Warren would leave the state, the lieutenant governor would pardon everybody.
- Fry: Oh, yes, and their names sounded identical, even though they were spelled differently--I understand that is why Samish chose Fred Howser to run for attorney general.
- Mailliard: That was before my time, but Earl used to talk about it, and how he never dared leave the state when Fred Houser was lieutenant governor.
- Fry: Yes. [Laughter] But as I understand it, at least the lieutenant governor was a fairly respectable man.
- Maillaird: Oh, I don't think he was a crook.
- Fry: Maybe he was a stuffed shirt, and eager to pardon people and do good things, but at least he didn't have any underworld connections.
- Mailliard: None, as far as I knew, but again that's all hearsay with me.
- Fry: That was when you were floating around the Pacific.
- Mailliard: That picture over there was taken in 1940, and that's when I was assistant attaché in London. Alan Kirk was captain then, and Joe Kennedy was



Mailliard: ambassador.

Fry: Oh yes, that's right. When did you go into the navy?

Mailliard: In 1939.

Fry: Naval attaché is a naval appointment, isn't it? And you were in until--

Mailliard: --1946.

Fry: You were in a long time. I hope that sometime we can get a bigger interview that will cover the whole range of your activities including your congressional career, and also more on your father. Right now, our grant requires that we focus on the Earl Warren portion.



#### IV WARREN'S THIRD CAMPAIGN FOR GOVERNOR, 1950

##### Deciding to Run

- Fry: Getting back to Warren's 1950 campaign: in his decision to run, Katcher mentions that one of the factors that he considered was that he'd been in office so long, he'd made a number of appointments and therefore many enemies (every time he'd made an appointment, he made a lot of enemies), so that he was afraid a lot of his support had been diminished.
- Mailliard: Well, I never heard him express that. But I did hear him express that he could see a lot of merit in not having more than two terms, because he pointed out that there were certain appointees--of his early appointees--at the cabinet level, who in age-years had frankly run out of gas and yet they were old friends and loyal, and there was no decent reason to get rid of them, but that they were on the staff. I can remember him talking about this--an administration "ages."
- The one of them I can remember is Paul Scharrenberg who really had gone from being a good go-getter to really not doing a damn thing, but really, you couldn't fire him; there was no cause to do that. This was one of the reasons, I think, that he was somewhat reluctant.
- Fry: He was looking at it as perhaps a new broom needed?
- Mailliard: But I think the thing that really made him run was a very simple one: Goodwin Knight, his lieutenant governor.
- Fry: Oh really? He felt that he didn't want Goody Knight to run?





Mailliard: Oh, he was running all over the state at that time, calling Earl a socialist. Goody ended up by being more of a socialist than Earl, when he did finally become governor. I just think I know this guy well enough to know that he just thought, "I'd kind of like to retire, but I'm not going to let this s.o.b. run me out of office." And I can even pinpoint the moment of decision. It was in the car driving from Sacramento to San Francisco.

Fry: Oh, really? What did he say?

Mailliard: He said, "I've got to run." I could just see the wheels going around. We'd just been talking about some of the things that Knight was doing, so there's no doubt in my mind that that was the thing that did it.

Fry: Well, his son says that he really did go through quite a period of doubt about whether to run or not.

Mailliard: Which son is that?

Fry: Earl, Jr. But a number of other people say, "Oh, he never had any doubts. He always knew he was going to run."

I think he was offered a lot of interesting jobs in this period, some of which he considered, as I understand--are you aware of any of those?

Mailliard: I never knew as a matter of fact. I knew there were rumors and so on, but he never discussed them specifically. But there was some doubt in my mind as to whether or not he was going to run. But again, I predicted correctly, that Goody's activities would make him so damned mad that he would run, that that would resolve any doubts that he had.

Fry: Did he announce fairly soon after this ride? I'm trying to place it in time. It was in that period?

Mailliard: I don't know whether it was a week or two, but I could see it coming.

Fry: I'll throw out an idea, and you tell me if I'm right or wrong. The way he handled Goody Knight



- Fry: publicly was to kill him with all kinds of kind pronouncements and sunshiny phrases about how close they were and what Goody had said to him in private and supported him all the way.
- Mailliard: But we knew that he was going all over the state cutting our throat.
- Fry: Right! [Laughter]
- Mailliard: We never admitted it, but--
- Fry: But his opponents--how can they have a defense against something like this, where he's just all sunshine about them? [Laughter] I thought it was a marvellous strategy to use: you take your opponent and then you stand up and tell everybody what a great guy he is and how loyal he is to you and how much he's helped you, and you just erase your opposition. I wondered if you had any experience with this with other people and Warren getting entangled in similar clashes.
- Mailliard: I think if people try to exploit this thing, I think that this is the way he killed it off. I don't think he volunteered to say anything about this.
- Fry: That's right, but he was being pressed by--
- Mailliard: He was being pressed--then he'd kill it off.
- Fry: In the 1950 race, then, do you have the chronology? Or do you have a story in your head that you want to unwind?

### Democratic Challenger James Roosevelt

- Mailliard: I really was not involved in strategy. My hands were full making sure the transportation was there, and the right people were there, and that we were more or less on time, which we never were. We had some funny incidents.

But getting back to it, nobody really knew what the Roosevelt name might mean.



Fry: That must have been a challenge.

Mailliard: Well, it was an unknown thing, you see. Franklin Roosevelt had been dead only five years, and there were several--well, we just didn't know how tough a campaign this was going to be.

I had been asked to run for Congress again in 1950. I concluded that Roosevelt might be a real threat, and that I'd be doing something more important to stay with the governor than to run myself. And so we campaigned that state from one end to the other.

Jim didn't do a very good job. There were some very critical things. One was when the AFL-CIO, the state federation of labor, tried to get Earl to make a lot of positive commitments and he wouldn't do it, and they endorsed Roosevelt, although they had endorsed Earl the time before.

Fry: Was this primarily over the hot cargo bill?

Mailliard: There were four or five issues. In the back room at the convention they tried to nail him to the wall, and he--

Fry: Would this have been Cornelius Haggerty?

Mailliard: Well, Neil wasn't in on it. Neil, I think, was a supporter of the governor, but Neil wasn't in control at this point.

Fry: This was at the annual convention of the AFL-CIO, you're talking about.

Mailliard: And Earl said, "Well, gentlemen, I'm just not going to do this. You can judge me on what I've done in the past, which I think has been fair, entirely to your interest, and I'm just not going to be nailed down on a lot of specific promises."

So they turned him down, and endorsed Jimmy. That was fairly early in the campaign, and you know, you never know quite what those things might mean. As it turned out it didn't mean very much. An awful lot of labor people stayed loyal to the governor, in spite of the fact that the convention endorsed Roosevelt.



Mailliard: Then, of course, Jimmy went around spending the state's Rainy Day Fund a few hundred times. Everytime he went some place, if they needed a swimming pool he'd say, "Well, we have \$75 million the governor is sitting on."

We kind of bothered him on this and we began adding it up. Earl began putting it in his speeches, "Well, so far, my opponent has spent it fifty times," or "sixty."

Fry: As I reconstruct this from his speeches and so forth that are in our office, it seems like Roosevelt did him a great big favor in most of his speeches.

Mailliard: He did.

I'll never forget one speech in Bakersfield. In the campaign, of course, we didn't use the National Guard plane. We were flying commercially because it was campaigning. I think it was a Young Republican convention. That would be easy to check, because that's where they had their convention, Bakersfield.

Anyway, the program got late, and there was only one plane that we could get that would get us to Los Angeles in time for the appointment that evening. So I got hold of United Airlines and said, "You've got to hold the airplane."

They said, "We can't, it's already fifteen minutes late."

I said, "You got to hold it. We'll be there within fifteen or twenty minutes." I said, "For God's sake, take the cowl off the engine, or start taking out sparkplugs, or something." So we got there and, my golly, they were putting the cowl back on and we got on board the airplane and there was Jimmy Roosevelt.

Fry: [Laughter] Oh, no! On the same plane?

Mailliard: He'd been sitting there for forty-five minutes, and he missed his appointment in Los Angeles. [Laughter] Jimmy always thought I knew he was on it. When he was back here, we just had to laugh about this.





Fry: What a dirty plot, yes!

Mailliard: It wasn't! I was just determined I was going to hold that airplane for as long as I had to.

One other incident that I'm sure you've been told about before in the 1950 campaigning was Mrs. Roosevelt's tour of the state--Eleanor.

Fry: No one has ever told me about that firsthand.

Mailliard: The governor was furious, because she was around really campaigning. He was about to let loose a blast, and I can't remember the conversation in detail, but there were quite a lot of us who had talked about it and said it was probably not a very good idea to react--better give it a little more thought.

Then we had to fly someplace in the airplane. We kicked it around, and the more I thought about it, I thought, here is a situation where the only way to deal with this kind of thing, a legend--

Fry: Yes, bigger than life and--

Mailliard: --she was out there campaigning for her son.

I said, "The only way you can deal with her is to absolutely brush it off. If you react, well by God, she's going to become a very important factor in this campaign."

So he laughed and he said, "Well, I'll tell you what I'll do." He said, "I'm just going to issue a statement when we get there, 'Well, you wouldn't expect a mother not to be for her son, would you?' [Laughter] And she left the state in about two days. There was no point in her doing anything, after that.

Fry: But he thought up that marvellous statement all by himself, did he?

Mailliard: Well, I think he did. Although we had been talking about it, I can't honestly say who came up with the particular phraseology.



Mailliard: Anything else he would have done would have gotten him into deep trouble, because she was a dangerous person to fool with.

Fry: Right.

Mailliard: He was awfully tempted. He was very much put out. There is an example in politics of where you have to stop and think.

### Senate Race: Douglas vs. Nixon

Fry: In this 1950 campaign, one of the big issues that Warren must have discussed with you was whether he would succumb to the efforts to get him to run with Nixon.

Mailliard: Well, yes, that I was very much in on, because again, I can remember the precise moment when he decided that he would say something to help Nixon, which he did.

Several interesting things happened in that campaign. He had explained to the Nixon people, county chairmen and so on, that he had promised (people who had worked for him a long time, a lot of them were Democrats) that he would not run on a ticket with another candidate. These people in some cases were not for avowed Republican candidates. They had exacted that promise from him. But he kind of left himself an out by saying in effect that as long as the other [opposing] candidates leave him alone, that he felt obligated to leave them alone. But if somebody took a poke at him, that he would poke back. This is just about what happened.

Helen Douglas made some kind of a speech, very pro-Roosevelt, and very critical of Warren. We got word of it, and I remember it was given to me on the rented plane. I think we were on our way from Sacramento to San Jose. I showed him this report, and I don't know whether it was that day (I think it was--I think it was in San Jose, but maybe it was a day or so later) that he made some statement that-- [pause]



Fry: He said he would vote for Nixon? Here on page 261 of Katcher may be what was happening on the Douglas side at that time. My question is, is that the statement of Warren's that you're referring to?

Mailliard: [Pauses to read.] Yes. That's right. That's it. And I cannot right now remember whether he did that immediately when we got off the plane, or whether he waited until we got back to Sacramento. But he made up his mind then that he would make a very cautious statement to the effect that if anybody wanted to know how he was going to vote for U.S. Senator, he would vote for Nixon.

#### Finance and Arrangements

Fry: The other thing that I would like to ask you about the 1950 campaign, is the financing of it. Because at this point he had lost a lot of the big people who had financed him.

Mailliard: They put it back together again. My father declined, or rather told Earl that with my having run once for Congress and with the possibility that I might run again, that he thought it was not a good idea that he be the Northern California finance chairman again. He had been in 1946, but not in 1950.

So my father got Walter Haas to take it, and that's how Walter Haas got in to being finance chairman later for [Senator Tom] Kuchel, and so on, but that was Walter's first venture into politics.

Fry: Earl Warren seems to feel that it was one of his best campaigns, because he really felt that he had no strings at all attached because there weren't any large contributors in this one. Is that remembered correctly?

Mailliard: I think that's true. I was not involved in the financial end of it.

Fry: I know. You just spent the money, you didn't gather it.



- Mailliard: I do remember Earl being very philosophical about it. Even though Dad didn't take the title, he did a lot, and he got a lot of flack from some of the people who had been big contributors. But when it finally got around to a choice between Jimmy Roosevelt and Warren, most of them kicked in. But it was right at the end; for a while we were operating on peanuts.
- Fry: The primary must have taken a lot of funds. Warren, as I remember, got a lot of Democratic votes in the primary.
- Mailliard: Yes, I don't remember the figures, now.
- Fry: Well, he came fairly close to winning the Democratic nomination, too.
- Mailliard: Which he had done in 1946. I won some money on that.
- Fry: Oh, you did?
- Mailliard: Yes, not many people thought he was going to win that, but I figured he would.
- Fry: Well, Kenpy was so cooperative.
- Mailliard: Yes, he was. Kenny almost defeated himself. That was where Earl fired the campaign manager because he was taking off on Kenny. He fired Clem Whitaker.
- Fry: I think that was 1942.
- Mailliard: I thought it was 1946; but then, I was just a precinct worker. Maybe it was 1942. This is something I don't know of personally. This was something that was told to me. I always thought it was 1946.
- Fry: Well, anyway, there were no pros with you, such as Clem Whitaker, on this 1950 campaign. It was all so-called amateurs; in other words, citizen politicians?
- Mailliard: Yes, but we did have some people put on the campaign for publicity purposes.





Fry: Was this primarily news releases?

Mailliard: Yes, we had some campaign stuff--mechanical.

Fry: But not the image-building in a comprehensive way the way you do it today?

Mailliard: At least if there was, I never knew about it, and I think I would have.

Fry: I think that's probably right. I asked Warren a couple of weeks ago who managed his last two campaigns for governor. I said, "Who really was at the head of it. Who was the generalissimo?"

He said, "I was the generalissimo."

Mailliard: I think that's right. As far as I know. But I was really not involved in the campaign managing part of it. In other words, I travelled with him, but he was still governor of the State of California. I had had a lot to do with seeing that things worked right, but my main job was to be his liaison with the office, carrying on the functions of governor. I wasn't on the campaign payroll; I was on the state payroll.

Fry: I see, so you were still trying to keep the governor's office rolling from the road, or the air, or wherever you were.

Mailliard: The campaign part was something really incidental, except that inevitably, because I was closest to him, I had a lot to do with seeing that the arrangements worked. But I didn't have anything to do with planning where we were going to go or anything.

I had to do with sending people off and keeping it moving, trying to keep people away when he didn't want to have his picture taken, and all that kind of stuff. I was not immediately involved in the campaign.

Fry: This would have been during the budget session of the legislature, then, I guess.

Mailliard: Partly.



Warren at Ease

Mailliard: I'll tell you one cute little story. We were on a long swing. We had been away for about two weeks, maybe a little over two weeks, by bus and by car. We were going to spend just one night in Sacramento before we took a swing north. We had been all through the valley and the South, and we were going up to the Sacramento Valley on the plane and have one night at home. Both of us said, "Wouldn't it be nice to spend the night at home, just relaxing, with our feet up?"

By the time I got home, I was so keyed up with all this activity that I just couldn't sit still, so I took my son, who was then about eight years old, out to a ball game. I'd been there about five minutes when who shows up at the ball game but the governor with his son Bobby! [Laughter] Neither of us could sit still!

Fry: And there went your evening at home with your families.

Mailliard: I always thought that was funny. I could hardly believe my eyes. He looked very sheepish.

Fry: You must have both looked sheepish after speeches like that to each other. His stamina is just such a marvel to me, even yet. Were you able to keep up with him?

Mailliard: Yes, he has ups and downs. Even then he used to get terribly tired, and he occasionally used to get stomach upsets. He's a big, husky guy. But let's face it, I was then thirty-two or something like that, and he was in his late fifties.

He's my father's age. They were six days apart. Earl was six days older than my father, and every year, sometime during those six days he would call up and say, "You young punk, you're not even dry behind the ears yet." [Laughter] Dad was born the 25th of March, and Earl on the 19th, 1891.

Fry: What about these stories about Governor Warren not having any sense of humor?



- Mailliard: No, he has a sense of humor. It's not a startling one, but it's a real one. I used to think of the difference between him and my father. My father was a wit. Now, Earl is not a wit, but he has a sense of humor. It's a little more ponderous than Dad's, who was very witty.
- Fry: Did he appreciate other people's wit?
- Mailliard: Sometimes not, but it all depended on whether it was his style of humor.
- Fry: What about this story--many stories--about how he could remember names? Was he really good at remembering names? When he met people on these trips did you note that particularly?
- Mailliard: I wouldn't have thought that he was in a class with somebody like Jimmy Rolph, for example, who was absolutely phenomenal. Don't forget, lots of times he knew who he was going to meet, and I'd always brief him about everybody that I knew he was going to see. But I think, like most of the rest of us (and he would have been about the same age I am now), it's pretty easy to remember the people you've known a long time. It's much more difficult to remember the people--
- Fry: --yes, that you met at the opera yesterday.
- Mailliard: Particularly if you see people some place where you don't expect to see them. If you see them out of context. I'd say I'd be unable to remember the names of some of my oldest friends when I run across them in the streets of Paris, if I didn't expect to see them there. I'm not very good at it.

I wouldn't have thought that he was exceptionally good at it. He might have been earlier, however. You see, I was only there 1949, 1950, and part of 1951. Of course, I've seen a great deal of him since and still do.



## V 1952 ELECTIONS

Mailliard Elected to Congress

- Fry: In this 1950 campaign, the Werdel faction, from around Bakersfield, was beginning to raise its head--Tom Werdel and Keith McCormac who later headed up the primary ticket against Warren in 1952.
- Mailliard: Well, I knew Tom Werdel, and as I remember it--that big ruckus really came to a head in 1952, I believe.
- Fry: Yes, in the two tickets for the Republican convention delegation.
- Mailliard: The Werdel delegation, which Knight was mixed up in. And so was a constituent of mine, a woman lawyer.
- Fry: She was on the delegation?
- Mailliard: Well, I think she was, but whether she was or not, she was a moving factor in the same operation, although her husband, who was a Pillsbury, Madison, and Sutro lawyer, always supported Earl. But she--what was her name? She was a very bright gal who got so mad at me because of my association with Warren that in 1952 she ran a candidate against me in the primary. Mildred Prince.
- Fry: Is she still around?
- Mailliard: Yes. I wonder if Elena Madison wasn't in that. You know that Pro-America group in San Francisco.
- Fry: Elena Madison?





Mailliard: Yes, Mrs. Marshall Madison. I'm not sure whether she would have been. She was very close to Mildred, and they kind of controlled Pro-America. And then Fern Mattei might have been it. I don't know. Bert Mattei was very conservative. He was president of Honolulu Oil. He's dead. She's alive.

I know my mother got out of Pro-America because it became so anti-Warren that she just quit. I suspect that Fern and Elena and Mildred Prince, I suspect that they were all-- I really don't know. I was too busy with the positive side of the campaign.

Of course, in 1952, I was running myself. She ran a candidate against me and spent a fortune. He was a good friend of mine, but he ran against me, anyway. He figured out how much he spent and how many votes he got, and it came to five dollars a vote.

Fry: There's an argument for controlling campaign expenditures. But you won on that one.

Mailliard: I got something like eighteen or nineteen thousand votes. It was a wide-open primary with six candidates, I think. I won with about nineteen thousand votes. He got about five thousand. He spent more than twice as much money as anybody else. He wasn't even close. He was way down at the bottom. He was a very personable candidate, and he was a very attractive fellow. Money doesn't always--

Fry: Sometimes, if it's too obvious, I guess it turns the voters off.

Mailliard: Of course, television, in those days, was hardly in existence, and that's where money really makes the difference.

Fry: Yes, that's a big problem now.

#### The Republican National Convention

Fry: Were you a member of that 1952 Republican Convention delegation?



Mailliard: No.

Fry: You were busy running for Congress.

Mailliard: I was offered it by somebody, but I just didn't think there was any reason for me to do that. I did ride on the train with them for a day, and then flew back.

Fry: Where did you ride?

Mailliard: Now I can't remember where the devil I got off.

Fry: Were you on there after Nixon joined the train?

Mailliard: Yes, just a few hours.

Fry: Were you aware of any politicking that Nixon was doing to get votes for Eisenhower? Even before the delegation was drawn up, there were the pro-Taft people, who happened to also be a number of the people who were anti-Warren and pro-Werdel, as I understand it.

And then there were, of course, the Eisenhower people, with Ike's position not clear for a long time. And Bill Knowland was apparently one of the strongest leaders in the delegation, as I understand it.

Mailliard: No--I really did not know much about this. Knowland was chairman of the delegation.

Fry: And also was extremely loyal to Warren all the way through.

Mailliard: He was loyal to Warren, but at heart a Taft man.

Fry: At the time that you got on the train, then Nixon had joined the train, and apparently there was a lot of work done to convert some of the people who wanted to keep Warren as a possibility in case of a deadlock--to convert them to voting for Eisenhower.

Mailliard: Well, I heard all about this later, but I was there for a very short time, and I didn't see any of this myself.



Fry: I see. There were at least two men on the delegation who I understand were there for the purpose of representing Nixon or the Nixon-Ike people: they were Pat Hillings and Joe Holt. Now, do you know anything about them?

Mailliard: Sure, they were both in Congress with me.

Fry: And they were definitely pro-Nixon at that time, pro-Eisenhower for Nixon?

Mailliard: I think just pro-Nixon. I don't think they went any further than that. Pat succeeded Nixon in Congress from his district in 1950. And Joe was elected in 1952, the same time I was. Later quit and later tried to come back, but failed.

Joe was always anti-Warren. Joe was state president of the Young Republicans. He nearly drove me crazy, demanding things from the governor, and I wouldn't even let him get through to the governor. He was just a nuisance.

Fry: Why was he anti-Warren?

Mailliard: Very conservative.

Fry: And the legislation that Warren had been responsible for had-- ?

Mailliard: And he has a touch of arrogance. He thought, 'By God, he was president of the Young Republicans, he ought to be at the governor's right hand.' There was a very unstable quality to Joe. I like him, and I always got along with him because I always called a spade a spade just the way he did. He's very erratic.

Fry: Was there anything to the reports that keep turning up--that there were apparently offers to Knowland both from Taft and Eisenhower forces for the vice-presidential slot?

Mailliard: I heard those stories, too, but I do not know whether they are right.

The real place where Warren and Knowland had a small disagreement at the convention, I am told (this is again very much secondhand)--as I



Mailliard: remember, the crucial thing that really ended up with the nomination of Eisenhower was the so-called Langley Amendment [on credentials of delegates] to the rules of the convention, which was offered by Art Langley, who was the governor of Washington.\*

Maybe it didn't include Knowland, but apparently, some of the leaders of the delegation tried to convince Warren that his only hope in the event of a deadlock was to vote against the Langley Amendment, and without California's votes the Langley Amendment would not have carried. Warren would have nothing to do with it. He said, "The amendment has to be judged on its merits, and if it is meritorious, then we'll vote for it." Again, this is secondhand. The reason I think this is true is-- I'll tell you another story that shows you that you never know what's going to happen.

#### Brownell and Eisenhower Consider Warren for Supreme Court

Mailliard: I was at breakfast at the White House in 1953. I think it was in the summer, and I just happened to sit next to the President. There was no formal seating arrangement, it was just that when everybody unshuffled, I was sitting next to the President. And he, carrying on a conversation, said, "Well, Bill, I know you're from San Francisco, and that you were in the Navy, and so forth, but what did you do before you came to Congress?"

I said, "Well, I was secretary to the Governor of California."

Ike said, "Oh--to Earl Warren. I'd like to talk to you a little bit about him. I don't really know him very well. Herb Brownell tells

---

\*The 1952 convention had to vote on what the Eisenhower leaders called the "Fair Play Declaration"--whether the contested delegations from some Southern states should be allowed to vote.





Mailliard: me that he should be on the list of first consideration for any vacancies on the Supreme Court. And," he says, "Herb tells me that it was a very courageous thing for him to take the California delegation in support of the Langley Amendment to the rules at the convention, because probably this destroyed any possibility that there would be a deadlock where he might have emerged as the candidate, himself."

So, somebody told him the story, anyway, which is why I believe it's probably true, and it's kind of interesting that he was aware of it. He asked me just what I did with Warren and I told him that I travelled with him and I was an aide, in military parlance, that I was a jack of all trades--everything from a messenger boy to a valet, depending on what the occasion required.

"Well, then, you must know him pretty well," he said.

"Yes, he's not a terribly easy man to know, but I think I probably know him as well as anybody outside immediate family and old friends."

"Well," he said, "this may be an unfair question--don't answer it if you don't want to. Supposing we had a vacancy on the Court. Do you think that he would really want to be an associate justice, after his years as attorney general, governor, and all of this? Wouldn't it be pretty rarified for him?"

I said, "You asked an honest question. I guess I ought to give you an honest answer." I said, "Yes, I frankly think he'd be very likely to be bored to death. But on the other hand, he's a great public servant, and I think that any continuation of public service that was important would appeal to him more than going into some non-public activity.

"Obviously, he can't stay governor forever. He's been there for ten years now. But," I said, "Mr. President, let me tell you this. I'm not a lawyer, but my lawyer friends tell me that Fred



Mailliard: Vinson is a great poker player, but the Court is in shambles. And what you really need is a Chief Justice." I said, "My friends tell me that there hasn't been anybody that's really run that Court since Charles Evans Hughes. And he was a governor and knew how to administer things."

I said, "My answer would be emphatically different if we were talking about the chief justiceship. He could run the place, and you wouldn't find Frankfurter with all this nasty back-biting sotto voce thing."

You know, the Court was really a disgrace. I went over there a couple of times and Fred Vinson would sort of stumble along, and you could hear Frankfurter all over the place saying, "Damn fool." It was awful.

I said, "Well, you wouldn't find any more of this nonsense. The Court would have decorum and dignity and it would be well-managed."

Fred Vinson died within another week. And I'm only saying, you never know what some casual conversation--with a President, particularly--is going to produce. It never entered my head that Fred wouldn't be around for the next twenty years.

Fry: I wonder what church you belong to, after your story of the airplane and Jimmy Roosevelt, and now this! [Laughter]



## VI WARREN AS CHIEF JUSTICE

- Mailliard: There are some strange things. Well, in a matter of days, Brownell flew to Sacramento and talked with the governor. He was appointed and back here in nothing flat.
- Fry: When you were his secretary, had Warren ever mentioned to you what he might want to do after he was through being governor?
- Mailliard: No, but I could have visualized him as Secretary of the Interior or as Attorney General. I really hadn't thought about the Court. Well, you know, the Chief Justice doesn't turn over that rapidly, and I think he would have been bored to tears as as associate justice. He might have taken it, but--
- Fry: It certainly wouldn't have used all his executive talents.
- Mailliard: Frankly, I don't think he's that great a lawyer. He's a great public servant and a good executive, but I don't think he's a brilliant lawyer. I don't think he ever intended to be a brilliant lawyer.
- Fry: What do you think about the continuity in his-- what you might call his vision or guiding principles that he had as governor and which he brought to the Supreme Court. Do you see a continuity there?
- Mailliard: I do. A lot of people don't. I can remember when I went back home and people would say, "What's happening to your old boss?" I'd say, "Nothing." They'd say, "Gosh, that was a strange decision."



Mailliard: I'd say, "No, it wasn't. You just never understood what was really in his mind." And I said, "You know, you've got to remember that Earl Warren is a very well balanced fellow, and he became Chief Justice in the middle of the Joe McCarthy era. I think you will find in everything that Earl has done that he tends to lean in the direction that will keep the thing balanced."

Had Earl become Chief Justice in a very permissive period like today, I think his attitudes would have been different. But I think he was very conscious of the fact that we were in a period when the public safety was being put, supposedly, ahead of individual liberty, and he felt he had to lean the other way, and try to keep a balance.

I think you cannot judge the early years of the so-called Warren Court without taking into account the fact that Earl was a politician and was very sensitive to the moods of the country, and he was going to make the Court play a stabilizing role. I think, had there been other circumstances--

Fry: Could you explain to me, since I've never been to law school--

Mailliard: Neither have I.

Fry: --where did he have his deficiencies as a lawyer?

Mailliard: What I mean is that his entire career as a prosecuting attorney, for the most part criminal cases, and then his ten years as governor, were really very much removed from the ordinary practice of law. I'm not saying that there was any lack. I think that he just simply wouldn't qualify as one of the country's most experienced lawyers.

A few months after Earl became Chief Justice, I went to a stag lunch at the home of the Danish Ambassador. The guy who sat next to me was Frankfurter, and, almost like the conversation with the President, he said, "Young man, I know you're a member of Congress. Where did you come from and what did you do?"





Mailliard:           So I told him I'd been Earl's secretary. "Oh," he said, "I do not admire your President, but," he said, "you know, I was one of those who when the Chief Justice died said, 'a great jurist should replace him.' And I was rather disappointed when Governor Warren was appointed." He said, "I am now prepared to admit that I was wrong. We needed a great man and we got one, and it will probably be the best thing that Eisenhower will do in his entire term as President."

Fry:                 Oh, did he?

Mailliard:          And yet Earl sat on Frankfurter. This is almost a verbatim quote.

Fry:                 Well, he really did draw that court together. He made a team out of it. Even Frankfurter.

Mailliard:          But to hear Frankfurter say he was wrong! I could hardly believe that.

Fry:                 Yes, I know. This is the first time I've heard that.

Mailliard:          He was giving the back of his hand to Eisenhower, I'm sure. [Laughter]

                    But he was very impressed. Even though he almost always disagreed with him. He was usually a dissenter.



## VII A UNIQUE RELATIONSHIP: AIDE AND EQUAL

Fry: How would you sum up your working relationship with Warren back when he was governor?

Mailliard: My relationship with him was really quite different than most everybody else's. You take people like [Helen] MacGregor and other people with him all the way through; that's one sort of relationship. Mine was an unusual one, because I think I was really the only staff man he ever had, that I know of, that was sort of outside of the kind of people that he usually had around him.

Fry: You were able to carry with you your own relationship based on your family's friends, too, which must have been a big help to him.

Mailliard: Well, just as sort of a sidelight on his relationship with me, "Pop" Small had this travelling job before I did. Earl is so gregarious that it's very hard getting him in and out of places. He's just hard to move. And so Pop apparently used to worry him all the time, looking at his watch and saying, "It's time we should be somewhere else." Well, you know, he's a stubborn Swede, and this just isn't going to work, so I just took the other tack. I was just completely unconcerned, so then he began to worry about whether he was going to miss his next appointment. But the more you nag him, the less he's going to do what you want him to do, so I just wouldn't.

Also Pop was very sensitive about doing anything that he felt was menial. I remember the first time that we stayed at the Jonathan Club. If Mrs. Warren was along when we went to Los Angeles, we stayed at the Biltmore. If Mrs. Warren wasn't along, we usually stayed at the Jonathan Club.



Mailliard: I mention Mrs. Warren because Mrs. Warren when she was along, packed the suitcases, and she used to keep an eye on his shirts in his hotel room. You could write a book about her. She's a fantastic woman.

I remember the first time that we stayed at the Jonathan Club and we were off at some meeting and he made his speech and everybody gathered around, and he was talking to people and so on, and he began to get worried and finally he beckoned to me and he said, "Bill, you've got to get me out of here. I've got to get back and pack my suitcases."

I said, "Oh, you're all packed. Your suitcases are in the car." He gave me a very peculiar look and relaxed again. Pretty soon we got in the car and we had plenty of time. While he was speaking, I had gone back and packed the suitcases. The reason this apparently surprised him, I found out later, was that Pop had laid down the law. He wouldn't shine shoes or pack suitcases because it was beneath his dignity, which had never occurred to me. [Laughter]

I went back and said to Pop, "You know, the governor gave me the most peculiar look," and Pop said, "Well, I can tell you why--I wouldn't do it."

I only mention it because, again it showed a slightly different relationship. I didn't consider it beneath my dignity to shine somebody's shoes or do anything else, but other people did, and I think that Earl was sensitive to this, and rather surprised.

Another kind of a twist on his personality, I think, is that I always had the slight feeling that occasionally he resented the fact that I knew some of these so-called big shots as well or better than he did. He was used to having someone along whose identity was solely as his secretary, whereas I had an identity of my own. I think he liked it, in some ways. I think it also rather irritated him.

But you know most of his staff was terribly subservient--scared to death of him.



Fry: He said himself he was a real slave driver.

Mailliard: I'd been an aide to an admiral. As a matter of fact, one funny story: The Navy built two colossal planes called the Constitution. They only built two of them, but they were huge. You could carry an army in them. They were going to commission the first one at the Naval Air Station in Alameda, and they wanted the governor at the ceremony. So I said, "I'll try to get him to come, but if I do, you're going to send a naval plane. I'm not going to have him arrive in a beat-up old National Guard plane at the Naval Air Station. If you're going to do this, do it right. Send him a naval plane and bring him in in style."

So he did agree to go, and everything, you know--gun salute, full ceremony, which he loved. He always liked the military and the ceremonies. He loves ambassadors and generals and admirals. He likes brass. So Admiral Nimitz was there to greet us as we came off the plane. The governor greeted Admiral Nimitz and then he turned and said, "Admiral, I'd like you to meet my secretary," and the admiral took one look at me and said, "Good God, Mailliard, are you going to be a flag lieutenant all your life?" [Laughter]

And that set me thinking. I quit very shortly after that. I had been an aide to two admirals, a secretary to a governor, and I began to think it was time to do something on my own.

Fry: And that had a lot to do with your running for Congress?

Mailliard: It sort of triggered it. I thought, "I've been somebody else's alter ego for about ten years. It's time I better do something on my own." I remember that so well because I never said anything to the governor about that.

I had known Nimitz way back--1940. Mrs. Nimitz lived in Berkeley, and now she's moved to an apartment in the Golden Gateway. She doesn't get around too well, now. I've been meaning to go and see her.





Fry: When you said that you chose not to run for Congress again in 1950 because you felt it was more important to participate in Warren's campaign, I took that to mean that you saw that here you had a chance to defeat a Roosevelt name which had actually begun to build the Roosevelt myth of invincibility. (I think he had a good record in New York at that time.)

If you could accomplish this and put Warren on the map as a definite presidential possibility in 1952, you felt this would be more important. Is that right?

Mailliard: I didn't think that far ahead, I think. I just thought, "Will I quit and go run myself, or will I stay by the governor to be whatever help I can, to see that he gets re-elected?" That was the substance of it. It wasn't all that--

Fry: --analytical?

Some people, as they look back on that now, see that 1950 campaign as a good indication of Warren as a vote-getter and giant-killer for 1952.

Mailliard: Jimmy was no giant.

Fry: But did anybody know that he wasn't a giant before the 1950 campaign?

Mailliard: You know, I knew Jimmy very well, and the thought of his being governor sort of shook me up. Incidentally, I'm very fond of him, but I didn't have very much confidence in him.

Fry: Chief Justice Warren told me that, when Jimmy Roosevelt went to Congress later, he was a very staunch supporter of his in Congress. What did he mean?

Mailliard: Well, the Southerners particularly would take off on the Court on the floor, and Jimmy always defended him.

Fry: After the Brown decision?

Mailliard: And some other decisions. The Court was criticized--



Mailliard: publicly sometimes--and Jimmy was one of the ones who defended it. Jimmy's an awful nice guy. Of all the Roosevelts, he's the pleasantest, although in some ways he's the most unsavory.

Fry: I've been trying to find Jimmy Roosevelt for this project and the nearest I can get is Switzerland.

Mailliard: Well, he was living in Switzerland, and then there was this press story that his wife had stabbed him or something. I guess he doesn't have a wife right now? He's had about five.

Fry: I haven't kept up with his marital status.

Mailliard: You remember the great slogan when he ran for Congress, don't you? "Send Roosevelt to Congress. The wife you save may be your own." [Laughter]

Fry: That's funny. That was omitted from campaign radio broadcasts, I gather.

[Buzzer sounds]

That's a marvelous exit line. There's the buzzer that you said meant you're needed on the floor to vote.

Thank you for a fine interview.

Transcriber: **Gloria Dolan**

Final Typist: **Mary Millman**



## APPENDIX

Correspondence relating to Mailliard's appointment to Governor Warren's staff, 1949.

In the Earl Warren Papers, California State Archives, Sacramento, California, Wm. S. Mailliard telegram to Earl Warren January 6, 1949:

"My personal situation makes immediate employment mandatory. A private job now offered would feed my family, and might leave time available for non-paid State service if the opportunity presents itself. My last talk with Sweigert indicated that a full time State position is probably not immediately available. Shall I accept the business offer?"

On January 17, 1949 Mailliard's father, J. Ward Mailliard, wrote to the Governor:

"Bill has told me of his good fortune. You have been a fine friend, and I appreciate it very much.

Sincerely,

Ward."



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Earl Warren Oral History Project

Archibald M. Mull, Jr.

WARREN FUND-RAISER; BAR ASSOCIATION LEADER

An Interview Conducted by  
June Hogan





Archibald M. Mull, Jr.



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## INTERVIEW HISTORY

Archibald Marison Mull, Jr. was interviewed by the Regional Oral History Office to document his active role in the political campaigns of Earl Warren and his extensive efforts in aid of maintenance and improvement of standards in the legal profession.

Conduct of the  
Interview:

A single interview was conducted on September 16, 1969, in Mr. Mull's comfortable offices on the fifth floor of the Crocker Bank Building in the pleasantly renovated historical area of Sacramento. The interviewer was June C. Hogan whose background includes both journalism and detailed knowledge of the legal profession. The transcribed interview was rough-edited by Gabrielle Morris and sent to Mr. Mull, who clarified several technical phrases and approved the manuscript.

Although Mr. Mull is chiefly referred to by advisors of the Earl Warren Oral History Project as an important fundraiser for Warren's political campaigns, the memoir indicates that he has devoted even greater energies through the years to upgrading professional standards and improving the administration of justice through activities of both the state and federal bar associations. The vitae included as an appendix to the interview lists the remarkable extent of this cheerful, energetic, compact gentleman's service to his profession. It is hoped that Mr. Mull's personal papers contain data to fill in the details of the extensive legal and political activities he outlines in the interview.

Gabrielle Morris, Editor  
Regional Oral History Office





Date of Interview: September 16, 1969

## I FAMILY AND EDUCATION

Hogan: Would you like to start with when you were born?

Mull: Yes. I was born in Sacramento, California, on December 27, 1904, interestingly enough, on the northeast corner of 10th and "L" Street, right across from the state capitol which was 1003 "L" Street.

Hogan: Was your father a native Californian, too?

Mull: No. He was born in North Carolina. He came here and went out on the plains in the Sloughhouse area with his uncle and aunt. Then he moved into Sacramento and later we moved back to the plains to where my father ran cattle, and made cheese. We used to come into Sacramento in a flat-bed wagon drawn by horses.

Hogan: Now, this was in the area of the sloughs?

Mull: They call it the Sloughhouse area. It is out in the plains toward Folsom, California. It was farming communities and, at the present time, Aero-Jet General Corporation has its installation near there.

Hogan: So that was where you grew up?

Mull: Yea, there and in Sacramento. We went to Sloughhouse and then came back here to Sacramento. We moved into a piece of property known as 1013 "L" Street, right across from the capitol. My father owned a good portion of a half block there for many, many years. Ultimately, he built the Mull Building there.

Hogan: When he moved back into town, he wasn't still keeping up his farm, was he?

Mull: He leased the property to a family who ultimately purchased it. Then he acquired Sacramento properties.

Hogan: Oh, he became a landlord.



Mull: Well, what you call, in those days, I guess, capitalist or entrepreneur or developer.

Hogan: Did you go to school here in Sacramento?

Mull: I went to school in Sacramento city, many grammar schools. Finally, I left Sacramento and went to a school called Hitchcock Military Academy in San Rafael from 1917-1923. I graduated from Hitchcock, that was grammar school and high school.

Hogan: That is no longer in existence, is it?

Mull: No, it isn't. It is now actually a seminary for priests. I go by there frequently when I am over in that area.

Hogan: A reunion would be interesting.

Mull: It is very interesting to look at those buildings and then realize how many years I spent there. Six years of your childhood has a lot of memories connected with it. You may know where it is, near Dominican College.

Hogan: Then did you go to UC?

Mull: I did eventually. I came back to Sacramento. I had been away for so many years that my folks thought I should go to school in Sacramento. I did go to Sacramento Junior College as it was then named--it is now Sacramento City College--for a year and a half and then went to the University of California the second half of my sophomore year. That would make it 1925. I entered in the second half of the sophomore year and I graduated in 1927 with an AB degree. I went on to law school at Boalt and graduated from there in 1930 with an LLB degree.

Hogan: Then you came back here to Sacramento?

Mull: Yes, and I have been practicing ever since in Sacramento.



## II A CAREER IN THE LAW

Hogan: I have in my notes that your specialty is criminology.

Mull: Well, I do a lot of that type of work, criminal law practice. My vocation, I guess you would call it, is devoted in a large respect to criminal practice. It is the type of practice I like the best. It has a fascination for me.

One of the reasons I became very interested in it is because when I went to law school my first year, they just had one course, as I recall it, in criminal law. Someone told me to never say that you are going to be a criminal lawyer because they will flunk you out. So, I didn't pursue any thoughts like this, and I really had no thoughts except when I came back to Sacramento, we didn't have a public defender. They had one man probation officer and one woman probation officer. There was no public defender and the courts would appoint lawyers to represent people charged with crimes. This was in 1930, right in the Depression. There were a lot of robberies and burglaries and not a lot of lawyers. Most lawyers did not like that type of work. When another lawyer would get an appointment, and knew I was interested, he would call me, and I would take the case over for him. There was no pay.

Hogan: I was going to say that it was hard enough to get started out of law school, but to take this sort of case!

Mull: Oh, it was fascinating. Whenever I lost a case, and I lost most of them, I would appeal every one of them. I remember so distinctly coming down to my office and hunt-and-pecking out the briefs and arguing the cases in the court of appeals. With this background I became very interested and so through the years I've always taken criminal cases.

Hogan: Have you handled cases that have been well-known or well-publicized or have most of them been local?

Mull: Nothing outside of Sacramento, all local cases.



Hogan: So that has pretty much been your specialty.

Mull: Well, if you can call it a specialty. I would drop any kind of case in order to take a criminal case because now, particularly, it is so important to have criminal attorneys.

Hogan: Why now?

Mull: Well, because of some of the decisions of our courts, which have held that everyone is entitled to a lawyer. I know that, if we are going into the Earl Warren attitude in this field, in many of his talks, publicly and privately, he has mentioned how important it is that everyone be represented in the courts. We do not have sufficient lawyers to represent all the people who are charged with crime. Public defenders' offices grow. In Sacramento County we have a great number of public defenders, and they are very competent. I would say that the public defender's office in Sacramento County and many other counties throughout our state can handle cases fully as well as any lawyer of long practice in the criminal law field.

Hogan: But, there is still a need for criminal lawyers?

Mull: Yes, because under the public defender system they can't be appointed if the people can afford to pay.

So, it is a kind of appointment where there must be a certification by the public defender who might be requested by the defendant to be assigned. The public defender must make an independent investigation to find out about the ability to pay and then certify to the court orally that this is a proper case for the public defender's office to handle.

Hogan: Otherwise, will the public defender's office here take all cases? I mean so long as the need is shown.

Mull: That's right. They will take every appointment where the defendant can't pay. That doesn't mean the family. It means the defendant. The family may not be willing.

Hogan: We ran into something like this in Oakland where the public defender's office was so busy in Alameda County that they would only take certain types of cases. They wouldn't take, for instance, a divorce case.

Mull: Well, no this is not in the criminal field. We have the National Legal Aid and Defender Association, which recently changed its name to add "Defender" so that they will take criminal cases when there is no public defender. Legal Aid will take the civil cases. We have a Legal Aid Society here and one in Oakland.





Hogan: Are there students who work in that, too?

Mull: I don't know that. You mean the law students? Not as in Oakland. I remember when I went to Boalt, I didn't have enough sense to go down there and ask to be a part of that. But, they have gotten a great deal of good out of it, particularly in interviewing.

Right now I have a divorce case where I represent the man. The Legal Aid Society came forward, and they are going to act for the woman. The woman I am corresponding with is a student at Boalt. She is negotiating the whole thing under the help of the Legal Aid legal staff.

Hogan: Do you think some of these things have developed more since some of the Warren Court decisions? I mean, do you think there has been more development in the area of public defenders and legal aid?

Mull: I don't know whether you call it just the Warren Court, but it has always been felt by knowledgeable members of the bar that everyone is entitled to a defense. They have just made it definitive with their decisions that if a court doesn't appoint a lawyer for the defendant, the defendant has been deprived of his civil rights. The cases are legion now, which have caused local communities to create public defenders systems. In the South, this was a very difficult thing to accomplish.

#### Bar Association Activities

Mull: I remember I was chairman of the Bill of Rights Committee of the American Bar Association. One of the functions of our committee seemed to be that wherever there was a decision that a lower court had made, it was up to our committee to see that the man was not deprived of his civil rights. We didn't really act in the manner that now the Civil Rights Commission, say, which is on a government basis, acts. I felt that we should be prepared to go into the South, arrange for lawyers for defense. Nobody wanted that done.

Hogan: When was this?

Mull: It was twelve or fifteen years ago.

I was chairman of the standing committee on Bill of Rights of the American Bar Association in the year 1957-1958.

Hogan: This was when no one wanted to move into the South to really see that lawyers were provided.



Mull: There was no interest in that. The Southern people didn't seem to worry about it too much.

The real impact was that, as evidenced by many Supreme Court decisions since that time, you could be charged with murder and have the case tried in two days. This is well-documented in our reports, the deprivation of their rights.

Hogan: Were your activities in the bar, both the state bar and the ABA, primarily centered on the civil rights?

Mull: No. In the state bar I served as president. It was a three-year term on the board of governors and the board then elects one of its members in the third year as president.

Hogan: What year was that?

Mull: 1949-1950, I was president. Then I was on the board for two years before that.

Hogan: Does the bar have the system of working up through the chairs: that is, you go through committee chairmanships, up to the board of governors?

Mull: The board of governors are elected by districts. You could be inactive in a local bar, but if you became well acquainted with the members of the bar throughout a district, you could be selected to the board of governors representing that district.

Hogan: And the board of governors selects the president.

Mull: Yes. They elect their own president.

Hogan: Do you want to tell us some more about your own civic activities? We have you out of Boalt and here practicing in Sacramento.

Mull: Well, how would you like to handle it? It is extensive if you want to look at it in that way, because I certainly have been interested in my community.

Hogan: Did you start here locally?

Mull: No. I didn't take an active part in our local bar association. For a long time, our local bar, around the time I was admitted to the bar, was relatively inactive. We would elect a president, and he would be there for many years. It was only when I became interested in disciplinary problems that I served in our local, what we call, administrative committee of the state bar, investigating lawyers. I served for several years in that regard.



Mull: Every three years a vacancy occurs upon the board, and I decided I would run for the board of governors for the state bar. The local bar supported me and there were several other counties which Sacramento dominated because we had the greater number of lawyers in the county. I ran for the board. It is a contested matter. I don't think anybody ran against me as I recall. At least, I was elected and served the three years on the state bar board of governors.

During the time I was on the board, I was very interested in the public relations of the bar and was on the committee on public relations of our board.

Hogan: What was the year you were elected to the board of governors?

Mull: 1947-1950. They changed the guard, so to speak, at the state bar convention, so it would be August or September of 1947 until October, 1950.

Hogan: That was during the time Warren was governor, right?

Mull: Yes. When I was on the board, we were investigating the law schools. There was a man that we had examining all the law schools. I was appointed the chairman of a committee of the board in my second year on the board to look into and review the report, this investigator's report. I was to look at one of the law schools in San Francisco that he had spoken of, that was Lincoln University. I spent a lot of time working on that. As a result, I think that was one of the reasons I was looked upon by the other members of the board as their choice for president.



### III OBSERVATIONS OF EARL WARREN

#### Judicial Appointments

Mull: As soon as I was elected, I came to see Earl Warren as governor and asked him if he would continue to use the facilities of the state bar in clearing appointments that he wanted to make to the bench. He started at that time, as I recall, being willing to hand to the president of the state bar his entire investigation file on any appointment to the bench.

Hogan: Do you feel that he initiated that?

Mull: Initiated that? Yes, ma'm. Well, he made it a function of the bar where the bar felt that it was granted the power. This did not mean that the governor would take the word of the bar. He didn't give up his appointing power, but he would take a name which he had selected and give that name to the board of governors.

Suppose he called Mr. Martinelli, for example. He would say, "I want to appoint you to the bench. I do not want you to discuss it with anyone or make any announcement because I want to clear it with the board of governors of the state bar." Then the board of governors would get the name, and they would give him a recommendation whether the man or woman was qualified, well qualified, or exceptionally well qualified, or reject it. If it was a rejection, they would have to give the reasons.

Hogan: Did you have any occasion to reject anyone?

Mull: I don't recall any specific thing. If it occurred, it was a most unusual occurrence during Earl Warren's administration.

Hogan: I just wondered what would happen if the bar ever did reject one?

Mull: I would say that in Earl Warren's time it would have to be a good reason. It wouldn't just be a reason that would come out of dislike.





Mull: On the board of governors, ordinarily, we would take the word of the man from the district where the appointment originated. The board of governors felt that we could not serve, as the Senate Judiciary Committee, by calling hearings. That, in effect, would have publicized it and yet, maybe that would have been the better thing. As it was, it wasn't really a rubber stamp because we thoroughly went into it.

Hogan: Did he normally give you several names for one particular post or just one?

Mull: Just the one name. It wasn't a group.

Hogan: To your knowledge is this practice continued?

Mull: In the Reagan administration? I know it was in the Brown administration and in the Knight administration. The Reagan administration, I am not sure. I know that he uses local bar associations a great deal more. He gets suggestions from the local bar association judiciary committees. He takes it up with the board of governors, but I don't know how successful it has been or whether his appointments have been universally approved. In the Brown administration there were some objections.

At the beginning of any administration, it was felt that there were a lot of political things to be paid off.

Hogan: Beginning and end.

Mull: Well, in the Brown administration it certainly turned out to be at the end, but he had the legal right to make the appointments, and he did no differently than any other governor did. When an appointment was there to be made, he would make the effort to fill. This is much different than in the federal government where it has to go to Congress and there it could be rejected or held over.

Hogan: Did Warren ever go the step farther that you mentioned a little earlier, and ask for suggestions from the bar in the first place?

Mull: To my knowledge, he never asked for suggestions from the board, but it was well known that there were key people throughout the state that he might ask for recommendations for filling a judicial office. This might be in the nature of a call to judges when he might not have known people in a particular area. A lot of his appointments were former district attorneys or deputies. He knew this group very well since he was a past president of the District Attorneys' Association and also a past president of the National Association of Attorney Generals. There was a District Attorneys'



Mull: Association in our state. I recall that he was the president of our District Attorneys' Association of our state. I know he was president of the National Association of Attorney Generals. So he knew that group intimately.

If you want me to talk a bit about the judicial appointments, I know something about this. It was well known that you could never tell who Governor Warren was going to appoint. No amount of influence from anyone would affect his judicial appointments. He considered this, in my mind, a sacred trust, because when you appoint a judge, he is, for all practical purposes, there for life even though in the state system you have to run, both in the trial level where you have to run every six years and the appellate level where they are in for fourteen years or twelve years.

He really worried about these appointments. He would make his mind up who he wanted to appoint. The person might get a call at midnight saying, "I want to appoint you to the bench," right out of the blue. Of course, some people couldn't take the appointments because this was in those days really a financial sacrifice. The salary of judges was very low. But, he was able to get top people to take the bench, because he was so careful about it. It was a real honor to be appointed by him. It was not a political situation. People did not have that feeling about it, although in Sacramento, he appointed one person in particular that the bar sort of objected to, some of the members.

It wasn't because of the man; we felt that he was forcing a non-practicing lawyer upon us. I was in favor of the person. This was Jim Oakley. I handled a lot of work in his campaign. He was a very capable judge, but one of our local judges ran against him. Three people were in the race; there was a run-off, and Oakley was elected. The bar itself could not find anything objectionable on Oakley because he had been a deputy district attorney in Oakland, and then he was on the attorney general staff. Then, he was also executive secretary to Governor Warren. This would be an example where there might be some disagreement. In any administration, you had to take the best man in the mind of the appointing power. All things being equal, what difference does it make whether you appoint an executive secretary or attorney general or a practicing lawyer. Earl Warren himself had not really practiced law in the private sense when he was appointed as Chief Justice.

Hogan: It has been pointed out that as DA and attorney general he handled all different types of cases.

Mull: Yes, he did, but he did not try these cases. He was not what we call "trained-in-the-pit" meaning he didn't try many cases, but he was always ready and he could have done it if he had not become an administrator in those offices. He was able to direct what he wanted to have accomplished.



Mull: You know, a district attorney and an attorney general do not just sit back and wait for the person to commit the crime in their presence or the presence of officers and say, "Well, here I have somebody charged with a crime, and we have to prosecute him." He has to have a philosophy and create a climate.

In Alameda County, as I understand it, he created a "climate" where anyone who violated the law knew that they would not be able to come to that office and do anything but handle the case properly. This attorney general who elevated that office to the highest degree--of course, others have done the same--but he was well known for his dedication to the improvement of the administration of justice. Coakley carried on this Warren tradition in the office of the district attorney of Alameda County.

For example, Willard Shea, who was the public defender in Alameda County for so many, many years in that office, had a working relationship which I have heard (you may have heard this too) where Warren would say to the public defender, "If you can show me and you can honestly say to me that in your opinion this man is innocent, I will dismiss the case." He had that much confidence in Mr. Shea.

Hogan: We have gotten off on Earl Warren without saying how you first met Earl Warren or whether it related to the bar or to your being here?

Mull: No. It was in Sacramento. I did not know him at all, except that he had a number of children. They all lived down in the mansion at 16th and "H" Streets. Some of the children rode horseback.

Hogan: In Sacramento?

### Warren's Campaigns

Mull: Yes. My daughter and son rode horseback. We met in this way. And then I always became interested in his campaigns and worked in a small capacity in the beginning in his campaigns in Sacramento. He was a very friendly person.

Hogan: Now was this when he was attorney general or governor?

Mull: Governor.

Hogan: Do you mean that the children rode horseback in the town?

Mull: There was a well-known horsewoman whose name was Barbara Worth. They went to the Barbara Worth Stables. He would go out there and



Mull: watch them. He was very interested in all of his children.

Hogan: Was this the girls, or both the girls and the boys?

Mull: Girls and boys. I remember particularly Honey Bear and Bobby.

Hogan: Now Honey Bear was Virginia?

Mull: No. Don't ask me to give their ages, but Honey Bear was the youngest one. Virginia was the oldest, I think.

Hogan: Then you started working on his campaigns locally in Sacramento?

Mull: Yes. I worked on his campaigns and on his effort to become President of the United States.

Hogan: Do you mean in 1948, prior to the Republican Convention?

Mull: Yes. Then he was a vice-presidential nominee. I worked in that campaign, not so very much, though. Dewey controlled the campaign organization. I always felt that Earl Warren being such a strong personality--I guess in that position you had to be a party man. Dewey would take a campaign trip out to the West and wouldn't talk about water, leaving that up to Earl Warren to talk about. In my opinion, Dewey was kind of a stuffed shirt anyway, and his campaign organization didn't want anybody to do anything, he was such a shoo-in in their opinion. I offered to travel the country. They didn't take it up. I was willing to take three months off of my time without any compensation. They didn't take me up on it. This happened throughout--the Dewey organization was in charge.

Hogan: Were they using pollsters in those days?

Mull: I'm not sure.

Hogan: Because that was a totally incorrect assessment.

Mull: Probably a pollster was used when--who was it that traveled the country for Truman and brought back the word that the public--after all, it's the people--favored the man that was down-to-earth?

Hogan: It would be interesting to know, though, who or what in the Dewey organization arrived at this conclusion that not rocking the boat was desirable.

Mull: I don't know. It happens in many political campaigns, I believe. It happened in the Brown campaign this time when Reagan beat him. You couldn't work for Brown because everyone wanted to be next to the king. It is awfully hard to break into such a situation.





Mull: I remember in Philadelphia in 1948 with Earl Warren. I was there, not on the delegation, but I was one of the persons there. I went on the train and was invited to help. It was rather difficult to really do any particular work. I figured out how I could do some work, so I got up in the morning at six o'clock and started in cleaning out with the janitors the place where we were serving orange juice, getting it ready for the next day. I had gone there and scrubbed everything around. Finally after two or three days, I was up in the governor's suite answering the telephone. I remember I took the telephone call that put him on the line where he was selected as the vice-president. I didn't know what was happening, but I sat with him in his suite while the president was being nominated. He wasn't out on the floor sitting there when Dewey was nominated. It was a surprise to him to have been selected as the vice-president nominee.

Hogan: It was a surprise to Warren?

Mull: Oh, I'm sure it was. It was kind of sad at the time because he had realized that he had made a real effort.

Hogan: I have heard it said that part of Warren's trouble in that convention was that he didn't have a big enough or strong enough campaign organization.

Mull: We didn't have anything particularly. He never had, in any of his campaigns, an organization. It was all put together at the last minute. He didn't have anything run over.

We collected money to help him go to the convention. I remember that on one of these occasions in our area here particularly he insisted upon prorating the little money we had left over back to all those people who had contributed.

Hogan: Did you have any trouble collecting money?

Mull: Oh, yes, always that trouble. People don't give money unless they know that there is going to be a real victor. And so many people give it to both sides.

Hogan: In 1950 and 1952, Warren had that opposition of that Werdel group, did he not? That might have made it harder to collect money.

Mull: Not in this area, because Werdel meant nothing to us. Warren was very careful about the people he would accept contributions from. He didn't want any contributions that would tie him in any way. And, he never talked about money. I don't believe I ever talked to him about money. It was always some treasurer.



Hogan: Was this what you did primarily for him?

Mull: I did that. What I did too was get lawyers lined up for him for endorsements from having a lawyer's committee.

Hogan: Didn't you tell me that you also went with him on his campaign swing in Oregon?

Mull: Yes, I did. I was on his Oregon committee. We had a few people who went from here, very few. Nobody in Oregon was particularly interested in him. Eisenhower had announced at that time. Oregon is rather a conservative state. I did so much collecting, went around and talked to people, but got very little. I stayed in Portland the whole time. I thought that we could get a few dollars in Portland, but we got very little.

We were interested in trying to line up the union support. The American Medical Association was very strongly against him, and they used a lot of influence throughout, knocking off. They thought he was socialistic.

#### Issues of the Governorship

Hogan: Because of the introduction of these various bills to get prepaid medical insurance.

Mull: Yes. Forerunners of Medicare. You might run across this statement or even your analysis of his career might have revealed this to you, but he had a consistency about him. It was amazing. In researching for his campaigns they found no disagreement with the previous statement that he might have made. The only one I know of is the one man-one vote decision in his court.

Hogan: Do you mean in his opposition to the reapportionment of the state senate?

Mull: I remember three people signed to get it on the ballot, and I was one of them. He opposed the reapportionment. I was asked to sign with Julian Beck and someone else. Now after all these years, what I had originally thought should have been done was done by the Supreme Court.

Hogan: I never realized that was on the ballot.

Mull: It was, back in 1948. California State Federation of Labor backed it.



Hogan: And it was defeated, was it not? And it was to reapportion the state senate on a population basis?

Mull: Yes. The same as what has been done now. It may not have been refined as much as it has been now, but it was the general thought.

Hogan: In your acquaintance with Earl Warren were you ever personally acquainted with the family, like eating at the governor's mansion?

Mull: No, I never ate at the governor's mansion, but I was well acquainted with all the members of the family, Mrs. Warren, and such.

Hogan: Did they socialize much in Sacramento?

Mull: No, I don't think they did. I never saw them out a lot. They would attend functions but I never heard criticism about it. Warren was a very open, cheerful man who usually walked as much as he could from the governor's mansion to the capitol. It was a very difficult financial time for the state during his governorship.

Hogan: Yes, let's talk about that, too.

Mull: There was always the effort being made to get money for various projects. He was very proud of the fact that he had a Rainy-Day Fund, as he called it. He wouldn't let it be invaded.

In California, as you know, we have a variety of political parties. It isn't just two political parties. It's the politicians. Anyone will form a party or a group who thinks he has a chance of being elected. People would take Earl Warren on. They thought that he would sit back, but he had a seemingly, as it turned out, perfect sense of timing. He would wait and wait and wait and finally announce he was going to run for governor.

His over-all overview of our state was remarkable. Just to give you one little example. He was a doer. He did the appropriate thing in my opinion. Of course, I, in fact, rather worshipped him because he always seemed to have a sense of the appropriate.

Now, I was a member of the board of directors at this time, I think, in Sacramento's Chamber of Commerce. There was a great demand for parking around the capitol. The people of the capitol had determined that they would present a plan to eliminate all the trees on both sides of the capitol between 10th and 12th Streets, eliminate the terraces, and put asphalt in this area!

I knew that the director of public works or state architect, I'm not positive, was going to make a presentation to our chamber



Mull: and tell us what they were going to do. I heard about it in advance so, at 11:30 that morning, I walked over and asked to see the governor and I went in . . .

Hogan: You could get in that easily?

Mull: Well, I got in. I don't know. Anyway, I told him what was going on and he said, "Let's go!" We both walked right over to Bedell's. I can remember just to this day, we walked up and there was the meeting of the board. We went in there and sat down. When the thing was presented, he said, "This is not going to happen." And it didn't. "Nobody's going to desecrate this park." It still is the same way it was then.

Hogan: Did you say Bedell's is where he walked?

Mull: Yes. Bedell's was a restaurant in the same area--one block from the capitol.

But there wasn't any hesitation on his part. They weren't going to do it. Never do anything where he hadn't been told about it. He saw the need for not doing this. Yet, some other people would have just put asphalt there. What did it mean to them? The capitol was a place, he felt, where it shouldn't happen.

Hogan: And this was during wartime, too, was it not?

Mull: Well, they took away all the chains. They had linked chains all around the park, and they took those out and melted them down. I think they made one can out of the whole bunch. [Laughter] I used to swing on them when I was a youngster.





## IV CITIZEN ADVISER TO WARREN

Traffic Safety

Hogan: Let's talk about some of your appointments under Warren.

Mull: We had, and I guess we still have, a Governor's Traffic Safety Committee.

Hogan: Now, was this something that Warren initiated?

Mull: I'm not sure, but I think so. The records are clear. I have files that I could look at. There was a state-wide conference called here in 1950, I believe. He appointed me chairman of this Governor's Traffic Safety Conference. There were about one thousand people here in the committees. I reported to the governor at the end of the session.

After that, he created what was known as a Citizens' Advisory Committee on Traffic Safety to assist the heads of departments, like the Department of Public Works and so forth. The Citizens' Advisory Committee was appointed and I was appointed by him as chairman of this statewide committee. I served for several years until he went to Washington. Then I presented my resignation to Governor Knight.

Hogan: Were you primarily concerned with freeways?

Mull: No, we were not. We were concerned with traffic safety basically every place and citizen participation in requiring local areas to upgrade their traffic systems.

Also, we were interested in youth and their attitudes. I have a number of reports here that show their recommendations. . . .

When you put them out on their own in foreign countries where they have all the rights of privileges of an adult, nobody is watching them, and they get a salary or pay check every month in cash usually,



Mull: they have been killing and hurting people and a lot of these kids couldn't take it. It weakens their morale and then they start pushing people around when they get home.

Hogan: They lose a sense of values.

Mull: Yes, they did. Many people might say, "Crime rate increased." Well, crime rate is always the same, but the people who were more subject to committing crimes were not here. A great segment of our population was gone. When they come back from the war, it is a big flux.

Hogan: Do you think that contributed to the problems in traffic safety?

Mull: Well, I think that driving is an attitude. You can not give a damn and go out and drink and drive, although there didn't seem to me to be much drinking in those days. There seems to be a lot more now if you look at the arrests for drunken driving. Speeding--it is a great deal a matter of courtesy, do unto others. You just can't account for what somebody might do if they don't think.

I think a lot of lack of traffic safety is even now based upon daydreaming. Even in my office in matrimonial cases, I know that people are upset. I say, "Be careful about your driving because you are accident prone. If you think about your troubles, it doesn't take very much."

Hogan: Did you have a background in traffic safety before you got appointed to this committee?

### State Hospitals and Prisons

Mull: Not a bit. I had no knowledge of it. I was selected to it because, I guess, I was interested in whatever came along. I had been interested in mental health and had served on a panel of the statewide Governor's Conference on Mental Health. Judge Turney Fox who selected me was former Superior Court Judge in Los Angeles County.

All of these things brought people together for an exchange of ideas. I became interested in mental health because I was appalled at the admission and release procedures. How easy it was to put someone in a mental institution by going down and signing a paper. Sometimes they didn't have thoroughly high-class psychiatrists. For instance, one of our committing doctors in our community was a urologist, yet he was passing upon the psychiatric and mental health background of an individual and might shoot him into a state hospital for life.



Hogan: You ran into this from your projects?

Mull: Somewhat, yes. It shocks me to think of this. Now hospitals are trying to get rid of them as soon as they possibly can, bring them into community-based activities. Governor Warren was vitally interested in this to clean out the snake pits. There was a great deal of building and improvement of mental health facilities in his time. But, this all costs money. I guess the trend now is to not put so much in the bricks and mortar as to put it in rehabilitation and personnel facilities.

This is what has upset us so much in the Reagan administration. They have forgotten that there are still people there. Everyone that was in an institution had someone at home. They want their relatives who are in institutions to be thoroughly and properly taken care of. When an institution has dedicated personnel, it has personnel that just can't take incompetency.

This happens in our prisons and jails. It is very important that our jails be properly manned and that they are not just holding cells, but where something happens.

Hogan: This was a major field of Warren's.

Mull: Oh, yes. He was just committed to upgrading our jails and prisons. He had a background for this. He was not a person who was just trying to put people away. He, when he was district attorney or attorney general who handles all the appeals, had an attitude to always present both sides of the case to the court, not only having a case affirmed on appeal because the lawyer who handled the defense overlooked a point.

Now more than ever, the appellate courts are anxious to see all points of view expressed in an appeal.

He followed through on this and during his governorship, he paid close attention to our prison system. He brought in one of the famous men of our time, Richard McGee, and Governor Reagan just pushed him aside. This man was internationally known. I know Mr. McGee quite well and I don't believe that Governor Reagan ever called him over to his office to ask him about the prison system.

Hogan: Is Mr. McGee still here in Sacramento?

Mull: Yes, here in Sacramento, right in this building. He is a most interesting and vital fellow who knows criminal justice from its inception. He grew up in it.

Warren attracted Heman Stark and Karl Holton and McGee and others and they all swore by him. He took an interest in it. Of



Mull: course, it all cost money. We can't solve it all. You have to have rehabilitative attitudes and the facilities. In our state, as in most states, when a judge sentences somebody to prison he does not have a full psychiatric work-up, psychological, psychosomatic work-up. They have a system now where they can send them down to prison. At the end of ninety days they can be sent back, but they still have been in prison for ninety days. In the community they don't have the full facilities for doing it. Los Angeles County probably does the best job.

Earl Warren made it a point in his governorship to know everything that was going on. It was amazing when you would talk to him. He was a constant questioner.

Hogan: A good listener, too?

Mull: A very good listener, but a good and precise questioner. You had a feeling when he asked you a question that he knew all about it already. He was just checking up on you. [Laughter]

He asked for help from others to find the best man for him. He would make a national search for someone to fill the position.

#### Court Reporter Standards

Hogan: Before he left the governorship, you received another appointment from him, I understand.

Mull: Yes. It was here. There was created a Board of Examiners of Shorthand Reporters. There were two lawyer members and three shorthand reporters. He appointed me as one of the first lawyer members and I served on that until he was appointed Chief Justice of the United States. This was statewide. We set up standards for shorthand reporters, court reporters.





## V ADMINISTRATIVE ISSUES AND CHIEF JUSTICE WARREN

Mull: When he was appointed Chief Justice of the United States, he was politically mentioned for many offices. He was mentioned publicly as maybe the next attorney general and other offices. I think it was completely a surprise to him when Eisenhower, who had, I believe, promised him the first vacancy upon the Supreme Court, and it turned out to be the Chief Justice. Herbert Brownell, when he came out here, talked to him about it.

He was selected, accepted and then there was the confirmation. A lot of people were against the confirmation, led by some local people in California who had not liked him for a long time.

Hogan: You mean you think they were the conservative Republicans?

Mull: Well, like Loyd Wright who had been president of the American Bar Association. He had been a Warren appointee. He was on the Horse Racing Commission. He was not re-appointed and never got over it.

Warren took office as Chief Justice but he was not confirmed until quite a while thereafter. I took him a number of books, biographical, such as John Frank's book on Justice Hugo Black and other books affecting the Supreme Court.

Hogan: This was while he was still here?

Mull: Yes. He gave them back to me about six months or a year later in Washington. He wanted to read about the Court and its members as much as he could.

Hogan: Was he much of a reader?

Mull: Well, I think he probably scanned. He knew a lot about everything, and, of course, to keep up with the state reports is enough. I don't mean the law reports. I mean the things that were published. These were enough to keep anybody busy all the time. As I say, he seemed to know everything that was going on because he asked



- Mull: questions. Then he had his administrative assistants like Oakley keeping him advised all the time of what was going on. He had a wonderful staff of loyal people over there. One of the finest women on his staff was, as you know, Helen MacGregor. He appointed her to the Youth Authority. Another lady over there who was on the secretarial side was Mary Alice Lemmon--I don't know whether you have interviewed her or not.
- Hogan: We've talked to her but we haven't interviewed yet.
- Mull: She served under three governors, Warren, Knight, and Brown. Reagan just cut her right off. There wasn't any excuse for it. It was a type of thing that he just cleaned everybody out.
- Hogan: You were talking about giving Mr. Warren some books on the Supreme Court while he was still waiting for confirmation.
- Mull: Oh, yes. Just a number of books from my library.
- Hogan: And there were other people in California who were opposing the nomination?
- Mull: Well, there were people in California who thought that he shouldn't be appointed to the Supreme Court because they claimed he hadn't practiced law.
- Hogan: Then you were appointed by him to another advisory committee?
- Mull: Yes. I was on the Civil Rules Advisory Committee to the Judicial Conference of the United States.
- Hogan: This is part of Warren's role as administrative head of the courts?
- Mull: As chief justice, he was the presiding officer of the Judicial Conference of the United States, which consists, I believe, of the chief judge of each of the circuits. Then to this conference he created advisory committees on criminal rules, civil rules, admiralty rules, and so forth.
- Hogan: Now was this something that Warren created or had there been such a thing before him?
- Mull: No, it had been in the past. He expanded the role. These were people from all over the country. For example, Joe Ball of Long Beach was on the Criminal Rules Advisory Committee. I was on the Civil Rules, though I would have preferred the Criminal Rules.
- Hogan: Do you remember the year on that, Mr. Mull?



Mull: Yes, I do.

Hogan: I just thought this advisory committee sounded like the citizens' committees that he had been appointing in California. I thought perhaps he had carried this idea over to the Supreme Court.

Mull: I could find it, but could we come back to that?

Hogan: Sure.

Mull: When I was chairman of the California Traffic Safety Conference, it was 1950. Then as the chairman of the Citizens' Advisory Committee to the Governor's Coordinating Committee of State Officials on Traffic Safety, I was appointed in 1953. Then I was appointed to the Board of Examiners of Shorthand Reporters of the State of California on January 24, 1952.

Hogan: How long did you serve on this advisory committee on civil rules?

Mull: For about three years.

Warren expressed himself many times to the American Law Institute on his attitude toward the participation of the bar in the improvement of the administration of justice. He often spoke to these people in the Civil Rules Committee, and I'm sure he did to the other groups, that what he wanted to do was update and upgrade. In order to do this, the committee itself was supposed to go back to the local community and talk to practicing lawyers who had had experience with these rules, then report these experiences back to the committee or to its reporter in an effort to upgrade the administration of justice in this field.

The reason for this was that there was a tremendous backlog in the courts. In some state courts, it took you four and five years to get to trial. What is it . . . "Justice delayed is justice denied." To handle the massive case load, you have to have good administration and also workable and understandable rules, rules which are workable from the experience of lawyers who work with these rules. It was an effort to streamline the rules and make them more responsive to the needs of the bar and the bench.

I went to several meetings. To go from Sacramento to Washington is kind of a chore, so I participated pretty strongly a couple of years until I was not able to go any more.

Hogan: Did you see any direct results from this?

Mull: Oh, yes. The rules had to be approved by the Judicial Conference. We had a man on the committee by the name of John P. Frank from Phoenix, Arizona. He was an attorney there and he had been on the



Mull: rules committee of the Arizona bar. I talked to him many times, and he felt that without this type of a committee composed of practicing lawyers, law professors and judges exchanging ideas, no practical improvement would result. The chairman of our committee was Dean Acheson, who was a former Secretary of State of the United States, as you know. He was a very prominent Washington lawyer. He kept the committee moving.

We were as lawyers working with rules all the time which are being modified all the time. They are amended. For example, in California, our supreme court has a judicial council and the judicial council formulates rules that are presented to the bar. The bar gives its opinion on them. Finally, they become the same as law. If you don't follow the rules, you might find yourself right out of court.

Hogan: I have read some place that Warren did a great deal more in this organizational field for the Supreme Court than previous chief justices have done. Was this your impression?

Mull: Well, you'd have to be there. He brought in Warren Olney III to become administrator of the United States courts, I think his title was. In that office, they did their best, and I think they improved the administration of the United States courts. But the number of cases just got out of hand. They recommended whether there should be more judges to handle the caseload. I was very interested in that field myself and talked to them about it on many occasions.

The backlog in the courts is based in a lot of respects upon lawyers. We file a case; it becomes a statistic. It takes time to process this. It puts into motion all the administration of the courts from the clerk's office right on up. It costs money. It costs us maybe twenty dollars to file a complaint and that's the last money we have to pay, but it costs the courts a lot of money to process this.

In talking to Earl Warren upon one occasion, I suggested to him, "Why don't you ask the bar to help you in an effort to bring all the forces of the bar into this program?" The next thing I knew he had had a conference with the attorney general of the United States. I received a letter or phone call, letter I guess, from William P. Rogers, who was then the attorney general of the United States, or deputy attorney general at that time--I think he succeeded Brownell, I'm not positive about that--in any event, asking me how I would do this. As a result of the correspondence, they called a national conference on court administration. They invited the presidents of all the state bars in the country. We met in Washington. I remember I was on the panel with Justice Brennan, who was then one of the justices of the supreme court of New Jersey.





Mull: He then became a United States Supreme Court Justice. They explored it in depth. They had a permanent conference after that.

Hogan: With the thought of getting lawyers themselves to restrain themselves, was that it?

Mull: Well, to get judges to take a more positive view in cleaning up their calendars, to have them work their full day, for example. Not just to appoint more judges but to get better administration, to clean the calendar up so that the bar wouldn't be criticized for the long delays. And it is our fault if there are delays, because we don't move them along as fast as we should. In court administration, we have what they call pre-trial hearings and settlement conferences and so forth, which cause lawyers to be more alert and to move the case along. Because one lawyer on one side might want to move it along and the other fellow can delay it a lot.

Then I received a call from Earl Warren to ask me to come to Washington. He wanted to talk to me about court administration and ask me if I would accept an appointment as the director of the administrative offices of the United States courts. I have never talked about this before, but it has a bearing upon my relationship with him, this is what you wanted. He took me through the Supreme Court building and showed me all the facilities and what he had planned on doing.

I came back here to Sacramento. My wife had passed away and my father had passed away within three days of each other. So I came back and told my mother about it. She did not want me to leave here so I discussed it with him by letter and told him that I did not, could not. And I wrote to him, as I say. Then he phoned me again about it and we talked a couple more times.

I think, as I look back on it, it would have been a wonderful thing for me to have done. And I have regretted it somewhat since because of the contribution I could have made to my profession. With all this criticism coming up with the courts over the years, a lot of it was caused by the bar not moving into this field.

I was also chairman of the Bill of Rights Committee of the American Bar Association; we met at Harvard University.\* A Professor Sutherland was our reporter. We talked about twenty cases which the Communist Infiltration Committee of the American Bar Association alleged to have undermined our internal security.

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\*Mr. Mull's vitae dates this position in 1957-58.



Mull: We studied these same cases and we came up with an opinion in our committee report that not one of the cases had undermined our internal security. On the floor of the House of Delegates of the American Bar Association they slugged it out. They refused to accept our report. They filed it. And over the years since that time, there hasn't been one act of Congress that I've observed that has changed the effect of any one of these cases. And yet it caused a complete split in the bar where one interpretation was that they undermined our internal security and the other one said no.

Hogan: Do you think it would be a difference in the composition of the committees?

Mull: Could be, although here was a broad group of people. Of course, one of them was looking for communists under every stone. What we were looking for was improvement in the administration of justice. Of course, they both thought they were doing that.

Earl Warren in all of his attitudes was looking for what he considered to be as close as you could get to pure justice, which is almost an impossible concept. What is pure justice? It was hard to arrive at it.

Hogan: Now this post that he talked to you about and you were unable to and felt that you shouldn't accept, was this the one that Olney held?

Mull: Yes, the one he held. This was before he chose Olney.

Hogan: So that would be somewhere about 1953-1954, I guess.

Mull: Yes. Whenever Olney took it, I was asked about it.

Hogan: That is a shame. That would have been a fascinating job.

Mull: It was the same year as the American Bar went to London, because I was to go over with him on the boat.

Hogan: Do you see Warren still?

Mull: Well, I saw him recently at the McGeorge College of Law affair. I also saw him over at the dedication of the law school at Davis where he was the speaker. Not the law school, the buildings over there.

I made the speech when his son, Earl Warren, Jr., was inducted as a judge of the municipal court in Sacramento. Earl Warren, Jr. asked me if I would be the one that would expound his background [laughter], which I thought was very nice of him to ask me. His father was here to participate in the festivities.



## VI ORGANIZING THE EARL WARREN LEGAL CENTER

Hogan: And you worked on fund-raising for the Earl Warren Legal Center, didn't you?

Mull: Yes. I was the chairman of the campaign which created the Earl Warren Legal Center. Would you like to have me talk a bit about that?

Hogan: Yes.

Mull: Justice Peters, who is now a justice of the Supreme Court of the State of California, conceived the idea that there should be housing for students at Berkeley in the law school. We discussed it and we had a committee appointed of our alumni association.

My father and wife had just died on, say, Thursday and Saturday and our meeting was Monday night. I buried my wife on Saturday and while we were burying her, my father passed away. So I went down to this meeting on Monday night. I felt after all that life just has to go on.

As it turned out, I was appointed chairman of the campaign. As we studied it, it became obvious that it should be more than just a residence hall. We then agreed that we would try to get a legal center, which would include not only the residence hall but public rooms. You may have seen it there and visited it.

The question came up of what would you do, how would you name this? I suggested that it should be called the Earl Warren Legal Center, because this was one of our most famous graduates of the law school. He had been governor and the University of California was very dear to him. So I called him on the telephone and asked him about it. Then he wrote to me. I have the original letter in which he said that if this facility were to be named after him, he would consider it the highest honor which had ever been conferred upon him.



Mull: With this letter in my pocket, I started trying to get it named, and I must say it was a difficult job, because we had a goal of money. Of course, when you talk about Earl Warren to a lot of people in California, the name is just like talking about the devil. But I said, "I will demonstrate to you that this should be the name." This now, by the way, had not gone to the Regents yet. It had to go to the Regents.

I called up every past president of the state bar of California. And I called Loyd Wright, a past president of our state bar and also past president of the American Bar and who was an Earl Warren hater. Every one of them said you just can't name it after anyone else. I made personal telephone calls.

Then we got it through the committee, not easily. He doesn't know this. Finally, everybody agreed and it became the Earl Warren Legal Center. Fortunately for us, it was done early, because if we had gotten people to contribute heavy sums and then it had been named afterwards, they would have withdrawn their support. It would have been a complete failure. This is my argument; name it now, because whoever you name it after it's going to maybe be controversial in some way. As it turned out, we were able to build it and we got the money for it. I think we did a great thing for our profession in our state and in our university, too.

Transcriber: Linda Strecker  
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BIOGRAPHICAL SKETCH  
of  
ARCHIBALD MARISON MULL, Jr.

September 23, 1957

Born in Sacramento, California December 27, 1904 and has resided in the city of Sacramento all of his life and presently resides at 5400 Fair Oaks Boulevard, Carmichael, California.

Father, Archibald Marison Mull, Sr. who was born in North Carolina and died March 31, 1956 at the age of eighty-five years.

Mother, Lillian Claudia Mull who was born in Kentucky, is now the age of seventy-seven years and resides at 1127-45th. Street, Sacramento 19, California.

Married Josephine Margaret Richardson on August 31, 1931 - (deceased March 29, 1956) - married Georgeann Diggs Kraus on July 3, 1957.

Children: Barbara Ann Mull born October 29, 1932, graduate of Stanford University class of 1954 and is now working as a real estate saleswoman for MacBride Realty Co., unmarried and residing at 1301-45th. Street, Sacramento 19, California.

Archibald Marison Mull, III born August 20, 1935, graduate of Willamette University, Salem, Oregon on June 2, 1957 and is now working as a real estate salesman for DuFrene and Cavros, unmarried and residing at 1301-45th. Street, Sacramento 19, California.

Archibald Marison Mull, Jr. attended Hitchcock Military Academy, San Rafael, California 1917-1923 (7th. and 8th. grades and 4 years high school);

Attended Sacramento Junior College 1923-1925;

Attended University of California, Berkeley, California from February 1925 to June 1927 graduating with an AB degree;

Attended University of California Boalt Hall of Law, Berkeley, California 1927-1930 graduating with an LL.B. degree;

Admitted to the State Bar of California October 7, 1930;

Admitted to practice in all of the courts of the State of California on October 7, 1930;

Admitted to practice before the United States District Court, Northern District of California on October 7, 1930;



**Biographical Sketch**  
**Archibald Marison Mull, Jr.**

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Admitted to practice before the United States Court of Appeals, Ninth Circuit, October 7, 1930;

Admitted to practice before the Supreme Court of the United States of America on October 18, 1945;

Member, Board of Governors, The State Bar of California 1947-50;

President, The State Bar of California 1949-50;

Member, Public Relations Committee, The State Bar of California 1947-49; Vice-Chairman 1948-49 and Temporary Chairman 1948-49;

Member, Budget and Efficiency Committee, The State Bar of California 1947-49;

Chairman, Committee on Legislation, The State Bar of California 1950-51; 1956-57;

Member, International Bar Association; one of the delegates representing the American Bar Association at Oslo, Norway Meeting 1956;

Member, Group authorized by the American Bar Association Board of Governors to visit the Soviet Union and investigate its legal system, August and September 1956;

Delegate, representing the American Bar Association at the International Association of Advocates, Paris, France meeting July 1956;

Member, National Conference Bar Presidents 1950 to date; Vice-Chairman 1953-54; Chairman 1954-55;

Member, American Bar Association;

Chairman, Membership Committee of the American Bar Association 1953-55;

State Delegate from California to the House of Delegates of the American Bar Association 1953-56;

Member of Council of Section of Bar Activities of the American Bar Association 1955-57; Vice-Chairman of Section 1957-58;

Chairman of Committee on Award of Merit of Section of Bar Activities of the American Bar Association 1955-57;

Chairman, Membership Committee of Section of Corporation, Banking and Business Law of the American Bar Association 1956-57; Vice-Chairman 1957-58;

Chairman, Standing Committee on Coordination of Bar Activities of the American Bar Association 1956-57;

Chairman, Standing Committee on Bill of Rights of the American Bar Association 1957-58;

Member, Standing Committee on Federal Judiciary of the American Bar Association representing the Ninth Circuit 1950-52;

Member, Section of Anti-Trust Law of the American Bar Association;

Member, Section of Criminal Law of the American Bar Association;

Member, Section of Administrative Law of the American Bar Association;

Member, Section of Insurance Law of the American Bar Association;

Member, Section of Real Property, Probate and Trust Law of the American Bar Association;

Member, Section of Taxation of the American Bar Association;

Former Member, Committee on Lawyer Census of the American Bar Association;



Member, American College of Trial Lawyers (Charter Member and at one time member of the Board of Regents;)  
Member, American Judicature Society and Director 1956-57; 1957-58;  
Member, National Legal Aid Association and Director 1956 to date;  
Member, American Law Institute;  
Member, Federal Communications Bar Association;  
Member, Sacramento County Bar Association and Former Member Council of Sacramento County Bar Association;  
Member, University of California Law School Association of Berkeley, California; (First Vice-President 1956-58);  
Chairman, Boalt Hall Dormitory Fund Campaign 1956-58;  
Member, Selden Society (London);  
Member, University of California Alumni Association (Life Member), Berkeley, California;  
Member, Sacramento Chamber of Commerce (Past member of Board of Directors) - (Past Chairman of Committee on Legislation);  
Member, California State Chamber of Commerce;  
Member, Native Sons of the Golden West (Past President of Sacramento Parlor);  
Member, Fraternal Order of Eagles, Aerie No. 9 Sacramento;  
Member, Benevolent and Protective Order of Elks, Sacramento Lodge No. 6;  
Member, Union Lodge No. 58 Free and Accepted Masons of the State of California (Master 1945); Scot; Ben Ali Temple of the Shrine; 32nd. degree Scottish Rite Mason; Knight Templar;  
Member, First Baptist Church of Sacramento and its Board of Trustees;  
Member, Linfield College Board of Trustees 1957-60;  
Member, General Promotion Committee of Linfield College 1957-58;  
University of Redlands, Redlands, California, Honorary degree of Doctor of Laws, June 9, 1957;  
Member, Pi Kappa Alpha Fraternity (Intercollegiate);  
Member, Commonwealth Club of California;  
Former Chairman, Public Information Campaign, American Cancer Society, Sacramento Chapter;  
Chairman, United Crusade of Sacramento Area 1956 for 1957 Funds;  
Member, Board of Directors of United Crusade of Sacramento Area 1957-60;  
Member, Board of Directors Sacramento Young Men's Christian Association 1957-60;  
Chairman, Mercy Hospital of Sacramento Expansion Campaign 1951;  
2nd. Vice-President Expansion Committee 1951; 3rd. Vice-President Mercy Hospital Foundation;  
Chairman, The State of California Traffic Safety Conference in 1950 called by Governor Earl Warren of the State of California;  
Chairman, Citizens Advisory Committee to the Governors' Coordination Committee of state officials of Traffic Safety 1953, appointed by Governor Earl Warren of the State of California;



Biographical Sketch  
Archibald Marison Mull, Jr.

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Former Member, Board of Examiners of Shorthand Reporters  
of the State of California, appointed by Governor Earl Warren of  
the State of California;

Member, Republican Party;  
Member, Del Paso Country Club; Sacramento;  
Member, Sutter Club, Sacramento;  
Member, University Club, Sacramento;  
Member, Sutter Lawn Tennis Club





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Earl Warren Oral History Project

Rollin Lee McNitt

A DEMOCRAT FOR WARREN

An Interview Conducted by  
Amelia R. Fry





Rollin Lee McNitt



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## INTERVIEW HISTORY

When the Warren project was in the process of choosing a Democratic interviewee who had worked for Warren in political campaigns, it was John D. Weaver who recommended Rollin McNitt, whom he had talked to in the process of gathering material for his book, Warren: The Man, The Court, The Era (1967, Little, Brown, and Company, Boston, Toronto).

McNitt proved to be thoroughly Democratic in the most active party sense, from the Roosevelt-Garner campaign to the mid-sixties. He campaigned for Earl Warren in Southern California in the latter's race for State Attorney General in 1938, but could not be on the Warren team for the gubernatorial contest in 1942 because McNitt had accepted an appointment from Governor Olson, the Democratic incumbent.

McNitt tells of the high spots and some crucial moments in his party work, and it was with regret that the taping had to be limited to the Earl Warren focus; this man obviously had rich experiences as a leading Los Angeles Democrat which deserved preservation.

The interview was conducted October 17, 1969, in his law offices in Los Angeles. He was gracious to the interviewer and conscientious in trying neither to overstate nor understate. He had done some homework beforehand on papers and notations available in his office; large quantities of old files were in his garage, at the moment unavailable, waiting for the day of an impending cleanup and reorganization. After Mr. McNitt's death on March 29, 1973, his son, R.L. McNitt, Jr., and Miss Edythe Jacobs, his law partner for years, helped in checking over the manuscript, correcting spellings of names, and providing appendix material and the picture.

In fact, in a letter to this office September 6, 1973, his son supplements a short statement made by the father on page 3 of the manuscript about a "personal" relationship with then-District Attorney Earl Warren. "I have inserted the word 'close' [relationship] by way of editorial," he writes, "for I well remember when I called on the Chief Justice shortly after his appointment, I was regaled with many stories of my father and mother's early association and those of myself and his children when in attendance at State Bar Conventions. I, as an only child, was taken into the fold by Mrs. Warren who tried to corral and control all of us in various hotels about the state. The Chief Justice told me a lot of stories about his children's and my behavior which I surely had forgotten."

Amelia R. Fry  
Interviewer

29 January 1974  
486 The Bancroft Library  
University of California at Berkeley





Los Angeles Times  
30 March 1973

## Services Set for Attorney Rollin McNitt

A funeral service for Rollin Lee McNitt Sr., prominent attorney and civic leader, will be held at 2:30 p.m. today at Rose Hills Memorial Park in Whittier.

Mr. McNitt, 82, died Thursday following a brief illness.

A Los Angeles area resident since 1912, he once served as city attorney of Eagle Rock and on that community's school board before the area was annexed to Los Angeles.

Mr. McNitt was a past president of the Lawyers Club of Los Angeles and served as dean of Southwestern University School of Law.

He also was a long-time member of the Los Angeles County Democratic Central Committee and was a delegate to the 1944 and 1948 Democratic National Conventions.

He leaves his son Rollin Jr., five grandchildren and six great grandchildren.



THE 1938 WARREN-FOR-ATTORNEY-GENERAL ELECTION  
(Date of Interview: October 17, 1969)

Fry: I was talking to John Weaver\* the other night, and he, again, strongly suggested that I talk to you, because he thought you'd be able to give me a lot of information about how the Democrats, or you particularly, rallied behind Earl Warren.

When did you first get involved in the Earl Warren orbit?

McNitt: When he ran for attorney general.

Fry: 1938?

McNitt: That's right.

Fry: Had you known him before then?

McNitt: I met Earl Warren at state bar conventions years and years ago. He always attended with Nina and I always attended state bar conventions and Mrs. McNitt sort of fraternized with Nina, and others, and Earl and I met each other, in that capacity.

Fry: You were what, then, a practicing--

McNitt: I was a practicing attorney, active in The Lawyers Club of Los Angeles (of which I was president in, I think, 1943).

Fry: Is that the correct name--The Lawyers Club?

McNitt: The Lawyers Club of Los Angeles.

Fry: It's not a bar association thing?

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\*Author of Warren: The Man, The Court, The Era, Little, Brown & Company, 1967.



McNitt: No, that's different from the Los Angeles bar. I've been a member of the Los Angeles bar from sometime in 1917 or '18. I came to California directly from law school in 1912.

Fry: Where did you go to law school?

McNitt: University of Michigan. I've been in California ever since. I was admitted to the bar in September, 1912. I am now in my fifty-ninth year.

Fry: Why did you back Earl Warren in '38? Were you already a pretty active Democrat?

McNitt: Yes, I was active. I started my activity [as a Republican] in the Roosevelt-Garner campaign, the first campaign. I handled the Republicans-for-Roosevelt-and-Garner in Roosevelt's first campaign for president. Then, I changed my registration, in due course, afterwards, and was registered as a Democrat from sometime in late '32, or early '33. I got into the Earl-Warren-for-Attorney-General campaign because the Democrat, Patrick J. Cooney--known as Pat Cooney--I couldn't take. I don't know whether I should say this or not. You can delete it when you edit it, but Pat was addicted to alcohol to an excessive extent. They used to pick him up in the gutters, and what have you, and I didn't think he was a proper candidate for attorney general.

So, I was a Democrat for Warren for attorney general, in 1938. In fact, I went on a state-wide radio hook-up for Earl Warren in 1938.

Fry: Robert Kenny was also for Warren, wasn't he, in that campaign?

McNitt: That's right. All self-respecting Democrats were.

Fry: Were there quite a few like this?

McNitt: Yes.

Fry: Since you were active in party politics too, did you get backlash from others in your party who were Cooney people?

McNitt: Well, there were repercussions, of course, but it didn't make any difference. I didn't feel them.

Fry: As a Democrat, did you campaign as Democrats-for-Earl Warren? Or was the party subordinated here?



McNitt: My recollection isn't quite clear on that, but I think I was-- I think we had a Democratic Committee for Earl Warren, principally a lawyers' committee. There were others, doubtless, but I know I made the one statewide speech on a radio hook-up, and I may have made some other speeches because I couldn't take Pat Cooney, that's all there was to it.

Fry: Had you been familiar with Earl Warren's record as a district attorney at this time?

McNitt: Yes, he was very outstanding at Alameda County at that time, as a district attorney, and as I say, I met him at the state bar conventions and became personally--we were on a [close] personal level. He used to call me "Rollin" and I called him "Earl."

Fry: Were you involved in any particular programs or projects of the state bar together?

McNitt: No, I was on conference committees. He was usually on other committees because he was then in the district attorney field, and his forte was largely criminal law, whereas mine has always been civil law.

Fry: Did you get any impressions of Earl Warren's attitudes in the field of civil liberties of that period?

McNitt: I don't recall. I know civil liberties programs hadn't come to the forefront at that time.

Fry: It wasn't an issue, was it?

McNitt: No. [Laughter]

As district attorney, I think there was some case that he had where he was quite adamant in protecting the rights of the criminal and so instructed one of his deputies who was trying the case. Now, I don't know whether I got that from John's book, or--from my own knowledge.

What Earl did was pretty well public property, you know, at that time.

Fry: In bar association meetings, was he a leader type, or were you able to observe him at all, since he was usually over dealing with the criminal sections?





McNitt: I think he was a leader-type; always a leader-type.

Incidentally, the state bar, I think, met in Pasadena that year, and Mrs. McNitt had a tea or luncheon for Nina and some of the prominent wives of attendants at the state bar meeting.

Fry: In order to get them acquainted with--

McNitt: In order to get them acquainted with Earl Warren, whether they were Democrats or Republicans didn't make any difference--promoting his candidacy for attorney general.

Fry: You don't have your radio address written down somewhere, do you?

McNitt: I probably have, but I'll tell you now that it's in my storeroom at my home garage.\* We have a big storeroom which I have threatened to clean out sometime. [Laughter]

Fry: You laugh, like this is a pretty funny idea, though!

McNitt: No, I was laughing because it would be almost impossible to find it at the present moment!

Fry: If it's like my garage, I'd laugh too!

McNitt: The home we are now living in, the former owner built a storeroom with shelves, and all my complete set of the State Bar Journal, L.A. Bar Journal, and a lot of files that I wanted to keep are in that storeroom, together with various public addresses, copies of which I kept. It got too much in the office to keep, so they were moved home when we moved from the Occidental Life Building--the old building which is now torn down--out here. A lot of that stuff went to storage in my garage.

Fry: Well, I guess the things that concern local politics right here probably should remain at UCLA, but we sure would like for you to eventually put anything that concerns the state as a whole or Earl Warren, or both, up to The Bancroft Library.

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\*See Appendix for copy of a speech delivered by McNitt for Earl Warren's candidacy.



McNitt: I have a lot of things of historical interest, because from 1932--when I was active in the Roosevelt-Garner campaign--until maybe five or six years ago, I was quite active in the political field. [Since then] my health hasn't permitted it; after all, Earl Warren is seventy-nine years old, or thereabouts, and I will be seventy-nine next month.

I remember writing him a letter congratulating him on his birthday and telling him that my birthday was right behind his. I have a letter from him saying that he thought I was a much younger man.

Fry: Of course, what The Bancroft Library usually does is they just send somebody down here and they can take over a whole job if you want them to.

McNitt: Well, my son and my second grandson have promised on some cool Sunday to come over and we are going to go through that garage. Now that you asked me to, I will make an effort to find whatever I have.

I was able to give John [Weaver, a biographer of Earl Warren] some campaign documents. Perhaps you noticed that.

Fry: Yes, he showed me some.

McNitt: In the Warren-for-Attorney General campaign.

Fry: Well, anything in the California political scene does pertain to our project, and of course, The Bancroft Library is interested in any kind of western historical things, so anything like that we'd be happy to receive--or come and get!\*

Well, we have you through the 1938 campaign--

McNitt: That same year Mr. Olson was elected governor, as I remember it, and Olson appointed me special deputy building and loan commissioner. I was in charge of completing the liquidation of forty-two savings and loan associations that had been in the course of liquidation since the Depression.

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\*Currently Mr. McNitt's son is sorting through the papers for deposit in either The Bancroft Library or in UCLA's Department of Special Collections. (Ed. - Feb. '73)



Fry: This was in what department?

McNitt: Building and Loan Department of the state.

Fry: Oh, I see--it wasn't in the attorney general's office?

McNitt: No. I mentioned that because, in 1942, when Olson came up for re-election, Earl Warren was a candidate against him, and naturally, because I had an appointment from Olson, I couldn't support Earl in that campaign, which he well understood. But it didn't affect our personal relationship.

Fry: I see; he was able to understand this. Did you have to take sides on any of those rather sticky issues between Warren and Olson?

McNitt: Well, I didn't do anything that I didn't have to do. I made a few speeches for Olson, principally before Democratic groups, so I was doing Earl no damage. In other words, I wasn't making speeches to the general public, as such.

#### THE 1946 ELECTION

Fry: Nineteen forty-two was the year when Kenny first announced for governor and then decided to run for attorney general?

McNitt: Yes.

Fry: How did that happen?

McNitt: Well, Olson got Bob Kenny to run for attorney general. He was then state senator, you know, and he got Bob to run for attorney general in '42. It was in 1946 that Earl Warren took the nomination on both tickets. He cross-filed, and he was elected in the primary. He got both nominations against Bob Kenny.

Fry: Kenny had tried for the Democratic nomination. Why did Bob Kenny try? This doesn't make any sense to me, after he'd served four years amicably as Attorney General with Warren as Governor.



McNitt: Okay, I'll tell you. We didn't want the ticket to go blank. We wanted somebody on the ticket. We couldn't find anybody suitable to run. Bob didn't want to run. He wanted to stay where he was, and he could have been re-elected Attorney General. But we persuaded him in a conference of leading Democrats in San Francisco that it was his duty to run because we wanted somebody that measured up at least politically with Earl Warren.

Bob was a fairly liberal thinker. In the meantime, Earl Warren had developed considerable liberal views during that period. Bob finally succumbed to our protestations that he must run; otherwise, it would have gone by default (as it did anyway because Bob didn't really put up any campaign). He went off to Europe first, and by the time he got back, the campaign was well along. So Earl Warren took both nominations against Bob Kenny.

But I was in that conference in San Francisco, as John reports in his book, that induced Bob Kenny to run. We knew Bob didn't have a prayer.

Fry: You did know that he was going to be a sacrificial candidate?

McNitt: That's right. Bob knew it. Everybody knew it. Because Earl had made an outstanding record as governor in his first term, and there was no hope.

#### INTERRUPTION

Fry: We had just identified Kenny as a known sacrificial candidate in 1946. My next question is, if you knew that he was going to be a sacrificial candidate, why was he chosen instead of someone else who was not already in office?

McNitt: Well, because he was attorney general and the people generally in the state knew him. After all, the state population increases so rapidly, and there is such a rapid turn-over in new votes [that candidate identification is a major problem]. For instance, when I came to California in 1912, there were just shortly over 300,000 in Los Angeles, and less than a million in the country. In the period from 1920 to 1930, the population tripled.

Fry: You, at this time, were chairman of the Democrats in Los Angeles, is that right?





McNitt: Let's see. I was elected chairman in 1945 when Mike Fanning was made postmaster. I took over Mike Fanning's unexpired term as chairman of the Los Angeles County Democratic Central Committee. Then I was re-elected in '46 for another two year term, so I served a little over three years.

Fry: This was in that interesting period, then, when Warren was establishing a record for getting bi-partisan support.

#### HARRY TRUMAN AND HIS 1948 VICTORY

Fry: How regular was your support of Earl Warren?

McNitt: Well, I was on the delegation that went to [the Democratic Convention at] Philadelphia which nominated Truman, who had succeeded F.D.R. on his death, and--

Fry: This would have been '48.

McNitt: Nineteen forty-eight. The other ticket was Dewey-and-Warren. I told Earl once that if it had been Warren-and-Dewey, we would not have lost. I verily believe that.

Wasn't it Alice Longworth Roosevelt that said Dewey looked like an image on a birthday cake? [Laughs]

Fry: Yes, the little wedding cake man. [Laughs]

McNitt: If the ticket had been the other way, Truman would have lost, because it was very close. I predicted that the--I used to predict on electoral votes. I never predicted on popular votes, but on electoral votes. That year I predicted that Truman would get 304 electoral votes; I think he got 303.

The Examiner printed that story, which I have somewhere, too.

As I told Earl, if the ticket had been the other way, I'm sure the election would have gone the other way, because Dewey was so cocky. He made such a--the general public didn't like his appearance.

On the other hand, Earl handled himself very well. And he spoke all through the Middle West in that campaign and was



McNitt: well received according to the newspaper reports. You probably have something on that.

Fry: Well, wasn't there a difference too--that Warren was never fully convinced that Dewey's strategy was right, which was not to say anything and not to rock the boat if they were going to win?

McNitt: Well, Dewey went to bed that night thinking that he was president. We didn't know until the next day, as a matter of fact, that Truman had won.

Fry: That famous Chicago Tribune edition announcing that Dewey had won--

McNitt: I've got a copy of that!

Fry: You do! [Laughter] Well, that is a collector's item.

When Truman came out here during that campaign, were you around when he was making some of his speeches?

McNitt: Yes. I was, of course, still county chairman. In fact, I was the speakers bureau. They couldn't get anybody to speak, hardly. They didn't think Truman had a prayer.

Fry: Is that right? You mean, people kind of gave up ahead of time?

McNitt: Yes, that's right.

Fry: Well, someone told me that as Truman got started in California, that this was the first sign of life in response to his "Do-nothing Congress" theme, and so after that he continued it. Was this your impression?

McNitt: That's right. His train trip from Los Angeles up through the Central Valley--the farmers went for him, and he drew immense crowds from Fresno and Bakersfield and up in that area. They went for him, and that's what carried the state for him. Because, as I was telling you, people didn't like Dewey. If Warren had been at the head of the ticket, Truman never would have carried this state.

Fry: Truman didn't have the massive backing in the cities out here that he had in the East? Are you saying that the Democrats



Fry: kind of emphasized their efforts on the agricultural areas for the rural vote?

McNitt: Well, Truman won the state because of the areas up through that Valley trip. It was very close in the metropolitan areas, very close.

Fry: Did any of Earl Warren's more social legislation have any effect, you think, at that time, on the Republicans?

McNitt: Yes, it did. You remember what Truman said in Sacramento. He said, "Warren is a Democrat but doesn't know it."

Fry: Did you think that hurt the cause or helped it, from the point of view of the Democrats?

McNitt: I don't know, but anyhow, Truman said it. He always spoke what he had in his mind. He never pulled any punches.

Incidentally, I was present in Philadelphia [at the '48 Convention] when Truman bawled Jimmy Roosevelt out for his treachery and all [for trying to replace Truman with Eisenhower]. He called him all kinds of names. Truman can swear. I don't blame Truman. In fact, I think that I parted with Jimmy Roosevelt at that time, because, here we were, a united delegation, pledged. We all filed an affidavit to get on the presidential primary ballot that we would support Truman at Philadelphia. Yet, Jimmy was working for Eisenhower all the time, and the train was stopped in Denver. The special train was stopped, and Roosevelt was called to the phone by Ike and told not to use his name any further, whereupon, between Denver and Chicago, they switched to [Justice William O.] Douglas. Douglas, finally, in Chicago, said that he was not a candidate. In between Chicago and Philadelphia, they went for Claude Pepper. He was a treacherous so-and-so.

Fry: Who?

McNitt: Roosevelt. In other words, when you make a pledge to support somebody, you are supposed to follow through.



## THE HELEN GAHAGAN DOUGLAS-NIXON CAMPAIGN

Fry: Roosevelt also wanted Helen Gahagan Douglas' support in the campaign when Nixon ran against Helen Gahagan Douglas [in 1952]. I was wondering if you knew anything about that campaign?

McNitt: Helen Gahagan Douglas. I was then county chairman. Helen was in the House, in the old sixteenth district. She would have been re-elected, and I always advocated [her] staying put. Because that's the way the Southern delegations have all that seniority built up and control the Congress.

Fry: Yes, head of every committee, practically.

McNitt: So, I told Helen that she wasn't electable. In so many words. I was for Manchester Boddy in the primary against Helen. I supported Helen in the final against Dick Nixon, but Dick beat Helen Gahagan as I predicted. She was not electable, because she had a tinge of--I don't like to use the term "red"--but she had a tinge of outlandish liberalism. I've tried to be a liberal, but a moderate liberal.

She went clear off the deep end about a lot of things. I didn't feel that she was electable. We tried to get her to stay in her district where she could have been re-elected, and that's why many of us went for Manchester Boddy. But Manchester Boddy, while a dynamic writer and thinker, was not a good public speaker.

Fry: So he couldn't campaign--

McNitt: Well, he did campaign, but not effectively.

Fry: In that campaign, do you feel that Jimmy Roosevelt played any part in her defeat?

McNitt: No. Frankly, I think it was the "Pink Sheet" that the Nixon people put out that defeated her. That was widely circulated over the state. It was just enough.

Fry: Was this printed?

McNitt: Yes it was.

Fry: Not just oral accusations?





McNitt: Actually printed. The so-called "Pink Sheet."

Fry: I hope that's in your files, too.

McNitt: I don't know whether it is or not. In other words they labeled her as "pinko."

At that time the California public wouldn't buy--

Fry: That was the beginning of what we know as the "McCarthy Era."

McNitt: That's right.

Fry: So it didn't take very much, I guess.

I don't want to lead you astray from any notes you might have made here.

McNitt: [checking notes] I pretty well covered--I said that in 1948 the ticket was Dewey-Warren, and had it been Warren-Dewey, in my opinion, that ticket would have won because Truman only carried the election by a very small electoral vote comparatively speaking, and those electoral votes didn't tumble until the next morning.

Fry: In Los Angeles County in that election for Truman, did you have a lot of doorbell ringers and precinct organizations?

McNitt: No, that was, as I said--we had a headquarters in Alhambra, and I was the speakers bureau. I had to do all the talking and speaking. [Laughs] I think there were one or two others, but everybody shied away, feeling that the Dewey-Warren ticket was going to win.

Fry: Well, you were in contact then with public response, if you were the one who went out and did the speaking.

McNitt: But it was an uphill fight all the way.

Fry: What was the response when you went out to speak? Did you have a very good crowd?

McNitt: Well, you know how they make speakers' appointments. All kinds of little groups spring up and they want somebody, and it was usually McNitt because, as I said, there were very few others who would stick their necks out.



McNitt: I saw Earl shortly after that election at a function at the Ambassador Hotel. I told him that if the ticket had been reversed he would have won. I verily believe that.

Fry: And you felt that this also was the feeling of others?

McNitt: Oh, yes. But Truman came out fighting, you know.

#### EARL WARREN

Fry: As a leader in the Democratic Party here, did you remain fairly close to Earl Warren in his non-partisan efforts?

McNitt: When he was governor, I thought he did a good job. As I said, the only reason why I probably didn't support him was because Olson appointed me and I was under obligations to Governor Olson, all of which Earl understood.

Earl Warren and I have exchanged--did exchange--greeting cards at Christmas, until he was appointed to the Supreme Court, when he stopped sending them out. I used to send him and Nina one at the Wardman-Park Hotel, but I can understand why a Supreme Court Justice can't send out greeting cards except to some of his immediate family.

Fry: In his last election, in '50, there was a big to-do about whether or not he should have another term. Were you taking part in that?

McNitt: Some people were opposed to a third term. I was glad when Eisenhower appointed him Chief Justice.

Fry: According to the chronology, Earl Warren announced his candidacy for president on November 14, 1951, so he was an early candidate, with Stassen and Taft and then Eisenhower announced. That was on the Republican side, and for a while the Eisenhower committee here directed their followers to vote for Earl Warren in the spring--very early on.

McNitt: I think the Republican campaign was between Warren and Taft, wasn't it? the primary? There was another, more conservative delegation running. But Warren had the winning delegation.



Fry: That's right--he was supposed to have had the delegation until Nixon boarded the train.

McNitt: Yes--Nixon. That's another--double-crossing so-and-so. I must say though, that this first few months Nixon has done a good job, as president. "Tricky-Dick" we called him then. [Laughs] Yes, he boarded the train and turned things around. I think Warren would have been nominated.

Fry: I guess, as a Democrat, you didn't know too much about that train ride by the Republican delegation.

McNitt: All I know is what I saw in the paper, that Nixon flew out from somewhere and boarded the train, and started working, which was the cause of some of the bitterness between Earl Warren and Nixon for many years.

Fry: Well, would you like to add anything from your own readings of the clippings or your notes?

McNitt: Here's the last letter I wrote to Earl and then he was asked to stay on and it got lost in the shuffle. I don't think that I ever got a reply to that, though I did get a reply to the other letter. I have a habit of annotating a book. My books are all full of clippings that I've picked out.

Fry: Well, I'd like to have copies of these letters if I could.

McNitt: One of those is the one I wrote to him on his birthday.\*

You know, I taught constitutional law at Southwestern University Law School from 1916 until 1952, and I always believed in the liberal construction of the Constitution and so did Chief Justice Warren. He had been bitterly criticized for some of his decisions. I didn't agree probably totally with all of them, but on the whole, as I said in my letter, I thought he had done a good job. I'd put him next to John Marshall.

Fry: Yes, that was why I wanted to have a copy of your letter.

McNitt: Others have rated him--they'd put a couple in between, but I think Earl in interpretation and the evolvement of constitutional

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\*See Appendix



McNitt: doctrine, if I may put it that way, made as great a contribution as John Marshall.

Fry: What do you feel about the Warren Court in respect to changing social conditions in the United States?

McNitt: Well, I think it was bound to come. The conditions were changing--it was a question of whether or not the legislation was valid, and Chief Justice Warren persuaded, sometimes with a sharp division, that it was constitutional. Whether he had in mind whether we had to do this or have a revolution or not, I don't know. But I am telling you there were times we were on the border, just like we are now--of the revolution. Certain social changes haven't been made.

Fry: Were you able to--were you in a position to observe his court pretty well through the years?

McNitt: Only through reading the opinions.

Fry: There was a comment made by Judge Earl Warren, Junior, the other night in an interview on television on October 13th in which he said his dad really was a believer in "Natural Law." I'm not at all sure of that, and I'm wondering what your reaction would be.

McNitt: I didn't hear that broadcast. There was a constitutional theory of natural law, but I never went that far in my teaching.

Fry: Well, do you think Warren shows any signs of using that theory?

McNitt: No, he was more of a pragmatist.

In other words, there is a saying, "The Supreme Court has its ear to the ground." You've heard that?

Well, I think Warren kept track of what was going on, and if he could, without stretching the Constitution, he evolved doctrine that was within the framework as he went along.

You see, the Constitution is simply a broad outline of government. The forefathers who drafted it didn't spell out everything in detail, and we have what we call constitutional doctrine that has been developed like John Marshall developed in his thirty years on the Court. At that time, they had to





McNitt: interpret what the forefathers meant, and he--every time he wrote an opinion, he would spell it out and that became constitutional doctrine. A lot of people look at the Constitution, "Here it is, and it isn't spelled out in black and white, and so it's unconstitutional."

We have express powers contained in the Constitution from which there are implied powers incident thereto.

Fry: You feel that it was Warren's sense of the changes in society that influenced a lot of his decisions, that it was a kind of natural sensitivity to these demands, which were increasing from society?

McNitt: That's right. For instance, the commerce clause; "Congress shall have the power to regulate commerce." Under that clause they've done a lot of things.

I addressed a Southwestern University Founders' Day banquet the other night. A lot of students came up to me and said, "We've got to learn constitutional law all over." I said,

"Why do you say that?"

"The Warren Court has changed everything."

I said, "You remember what I told you when we discussed the commerce clause: that if Congress could constitutionally enact the Mann Act, they could do almost anything." [Laughter] It brought the house down.

That was one of the first exercises of police power under the commerce clause, then they pursued it with the child labor legislation. There was a time when people didn't think the commerce clause would permit anything like that, and now look what they've done.

Fry: It's been interesting talking to you, Mr. McNitt. Thank you for giving up your time for our project.

Transcriber: Jane Burnett  
Final Typist: Keiko Sugimoto



**EARL WARREN**

District Attorney of Alameda County

Candidate for  
**ATTORNEY GENERAL OF CALIFORNIA** 114

August 24, 1938

NORTHERN CALIFORNIA HEADQUARTERS

1 MONTGOMERY STREET, ROOM 303

SAN FRANCISCO, CALIFORNIA

Dean Rollin McNitt  
Law School  
Southwestern University  
Los Angeles, California

My dear Dean McNitt:

We greatly appreciate the part you took  
in the Warren radio forum last night.

Although I have never heard you speak on  
the air before, the reception in San Francisco was  
that of an accomplished radio speaker, and it added  
much to the success of the program. Frankly, I was  
surprised with the effect that can be given by a  
forceful and intelligent delivery of a somewhat  
mediocre script.

Please accept my thanks, until Earl Warren  
himself can express to you his appreciation for your  
assistance.

Cordially yours,

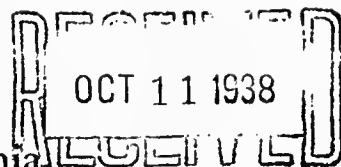


Herbert E. Wenig  
Chairman, Speakers' Bureau  
Northern California

HEW:AC



**EARL WARREN**  
DISTRICT ATTORNEY OF ALAMEDA COUNTY  
*Candidate for*  
**Attorney General of California**



5-1

Oakland, California

October 6, 1938.

Mr. Rollin McNitt,  
Law School, Southwestern University,  
Los Angeles, California.

Dear Rollin:

I hope you will pardon my delay in thanking you for the splendid address which you made over NBC in behalf of my candidacy on August 23rd. I have heard from many sources that this was the best radio program in behalf of any candidate for any office during the primary campaign period. I know that it contributed very largely to the satisfactory results which only recently have been furnished me by the Secretary of State. He reports that the Republican, Democratic and Progressive nominations were given to me.

I want you to know that I appreciate not only your participation in this broadcast but also your activities throughout the campaign and I assure you that, if elected, I will do my very best to measure up to your expectations.

Again thanking you and with best wishes, I  
am

Sincerely,

EW:FT



Supreme Court of the United States  
Washington, D. C.

CHAMBERS OF  
THE CHIEF JUSTICE

December 12, 1953

Dear Rollin:

I want you to know how much I appreciated your writing to me when I was appointed to the Supreme Court by President Eisenhower.

You deserved a prompter reply, but I know you realize the complications of such a sudden change as I made in leaving the Governor's office and assuming this one.

My best wishes to you and yours for the holiday season.

Sincerely,

*Earl Warren*

Mr. Rollin L. McNitt  
824 Occidental Life Building  
1151 South Broadway  
Los Angeles 15  
California

*And my regards to our  
mutual friends.*

*Earl*

Supreme Court of the United States  
Washington 13. D. C.

MR. ROLLIN L. MCNITT  
1151 SOUTH BROADWAY  
LOS ANGELES 15  
CALIFORNIA

824 OCCIDENTAL LIFE BUILDING





Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
THE CHIEF JUSTICE

April 7, 1966

Dear Rollin:

It was indeed thoughtful of you to remember my seventy-fifth birthday and generous of you to write as you did. I want you to know that I appreciate it very much.

Your letter brought clearly to mind our pleasant associations of former days. Your statement to the effect that you are slightly my senior surprised me greatly. I thought you were still quite a young man.

I am happy to know that you liked John Weaver's article, and that you were good enough to lend him books from your constitutional history library to help him in his research. I think he did a fine job.

With best wishes, I am

Sincerely,



Mr. Rollin L. McNitt,  
3440 Wilshire Boulevard,  
Los Angeles, California 90005.

Supreme Court of the United States

Washington, D. C. 20543



Mr. Rollin L. McNitt,

3440 Wilshire Boulevard,

Los Angeles, California 90005.



## ROLLIN L. MCNITT

ATTORNEY AT LAW

3440 WILSHIRE BOULEVARD, SUITE 1208

LOS ANGELES, CALIFORNIA 90005

TELEPHONE 386-8350

EDYTHE JACOBS  
ASSOCIATE

September 6, 1967

Dear John: [Weaver]

I want to thank you for my copy of Warren--  
The Man--The Court--The Era.

Earl Warren and I belong in a real sense to the same era. We graduated from law school in 1912. I came to California in 1912 immediately following graduation. We were both active in bar association activities, as well as in politics. You might have mentioned, as I told you in the interview, that I supported Earl when he first ran for Attorney-General because we Democrats did not have a good man on our primary ballot. In fact I made a statewide radio broadcast in his behalf to the consternation of some of the Democrats. As Chairman of the Los Angeles County Democratic Committee I was one of those who urged Bob Kenny to run when Earl was a candidate for re-election as Governor. We all knew, including Bob, that Earl would be re-elected because of his outstanding work as Governor. We did not want the Democratic primary ballot to be without an able representative. Frankly, we hoped Earl, who cross-filed, would not sweep the Democratic primary as he did and there would at least be a run-off.

You have done a fine job of research and writing of Earl, the man, and of his sterling qualities, not only as a lawyer, but as Governor and as Chief Justice of the United States. As a former Professor of Constitutional Law for over 40 years, I believe I can truly state that Warren as Chief Justice has not only been a great administrative officer of the Court, but also a great Chief Justice--indeed, I believe history will ultimately award him a place close to that of Chief Justice John Marshall, who did such a fine job during the formative part of our nation under the constitution. Warren has a grasp of what I call "our ever-changing constitution", changing, that is, as constitutional doctrine is announced by the Court. The framers meant the constitution to endure forever and



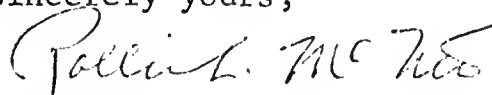
-2-

to meet the challenges of various times and crises. Warren in his decisions is conscious of this fact.

You also gave my friend Bob Kenny a fine coverage and I am sure Bob appreciates it as much as I'm sure Earl does the way you covered him and the Warren Court.

Thanks again.

Sincerely yours,

A handwritten signature in cursive script that reads "Rollin L. McNitt". The signature is written in dark ink and is positioned above the typed name.

ROLLIN L. McNITT

Mr. John D. Weaver  
9933 Beverly Grove Dr.  
Beverly Hills, California



---

1938  
**McNitt, Democrat,  
Backs Warren**

---

Rollin Lee McNitt, law school dean, one of the first Roosevelt Democrats in California, yesterday urged the election of Earl Warren as Attorney General. He said:

"After full consideration of the qualifications of all candidates for this important office, I believe that no other candidate can measure up to Earl Warren in the training and ability which he has had in the field of public law.

"Because Earl Warren has this ability and training in public law, and because he has assured me personally that he will administer the office in a nonpartisan way, regardless of who is chosen for Governor, I urge his candidacy for Attorney General."

---





# DEMOCRATIC LUNCHEON CLUB

JUNE 11TH [1942]

## C TESTS FOR CANDIDATES IN WAR ARE CITED BY ROLLIN L. McNITT

In my humble opinion, this year's record one thousand nine hundred and forty-two is the most war in all of world history. Rollin L. McNitt told the Democratic Luncheon Club Thursday elections this year are important, therefore than in any of our history.

Particularly to the election of representatives in the United States Senate. Unhappily, California does not elect a senator this year. I say, unhappily, because if we did, we probably elect a senator representative of the people of California on the foreign war

before, not even in the year of 1789 (when the nation was founded) or 1862 (when slavery was the issue) or 1918 (when the peace to follow were the issue). The quality of the candidates rendered in our Congress the United States been a grave import to America and the world.

Now of the fact that this is our year and we are going to elect representatives in Congress as well as state officers, together with some judges and local officers, it behooves everyone to give careful consideration to the selection of public officials. What should be the tests of a candidate for public office is the first question?

"First: The candidate regardless of party affiliation or of the office which he seeks should have the quality of leadership. Surely we can find men who will lead us where we should go in governmental affairs instead of waiting and casting their votes according to a Gallup poll. The candidate should have the ability to command respect and confidence, be open-minded, self-effacing, and above all, have the ability to do teamwork with his colleagues.

"Second: Only candidates who will adhere to sound principles should be endorsed for public office at the primaries in August, and elected in November. There is nothing so disgusting as the deceitful, two-faced, double-crossing type of political candidate. It is high time that we carefully check the statements of each candidate, and see whether he is telling one group or bloc one thing, another group or bloc something else, with no serious intent of living up to the statement that he makes to either group.

"Third: Candidates should be chosen, who when elected, will not become conceited, refuse to take advice and counsel, be unapproachable after elected and forgetful of their campaign promises and pledges.

"Fourth: Every candidate and person elected to public office

(Continued on Page Nine)

## Basic Tests for Candidates in '42 Told by McNitt

(CONTINUED FROM PAGE ONE)

should be morally, financially and intellectually honest. I lay great emphasis on intellectual honesty as well as the other types. It is as important to be intellectually honest in a public office as it is to be morally and financially honest. Only intellectually honest public officers will adhere to the sound principles which they should stand for. An intellectually honest public servant will not compromise with his principles, and blow this way and that way with the wind and tide, and try to be on both sides of all issues, and, if a legislator, run out when the vote is taken.

"Fifth: Every candidate should have an educational background commensurate with the problems which will arise if he is elected to the office which he seeks. It makes no difference whether it is a federal or state office, an executive, legislative or a judicial office, the principle is the same.

"To use an example, a candidate for Congress should have a thorough-going knowledge of the background of our Federal system, of our constitutional doctrines, of the principles of the Bill of Rights, if you please, and of our national problems. Indeed, in this critical year of our history, he should be a keen student of world problems.

He should have a concept of why we fight, what we seek to achieve, what kind of a peace we want, what is to come after the war is won and what our nation's place is to be in the new world order.

"Sixth: Every candidate should enjoy good health, and be capable of standing the rigors of a campaign. He should have an established residence in the district from which he seeks to be elected.

"Seventh: Every candidate for public office should have a good family background. His business, occupation or profession should be checked in order that you, the electorate, may ascertain any ties which will conflict with the public service which he seeks to render. Only a few persons when elected can divorce themselves from their

try. One of the great qualities of Wendell Willkie, in his ability to think straight and stand foursquare for his principles on our foreign and war policy, without stooping to partisanship as some of his friends and would-be leaders of his party have done.

"Eighth: Any candidate for public office should have the financial ability to conduct the campaign which our system entails. Our system of elections, in this state at least, is a costly venture. But if a candidate must call upon friends and others for financial support, the source of this financial support should be an open book.

"Ninth: I believe in the two-party system of government in this country. I believe that any candidate for office should stand squarely for the principles of his party and should be stable on all the fundamental issues of his party's platform. I do not believe that candidates for public office should be permitted in the primary, as they are in this state, to cross-file for partisan offices.

"The candidate's past and present political affiliations and his record of party service should, therefore, be checked during the pre-primary period, in order that party adherents may determine whether he is a satisfactory candidate to carry the party's banner in the final election.

"So also, just as consideration should be given to his business, occupation or profession in connection with the particular position which he seeks, so should his association memberships and such connections and resulting obligations therefrom be checked, if you are to make a complete canvass of the candidates' qualifications for any office.

"These are some of the standards which in this day of world crisis should be carefully considered. If our two-party system is to survive, the leadership in the respective parties should give heed to these standards to the end that only qualified persons are on the final ballot for choice by the electorate when the final issues are decided at the final elections under our system of government."



[1942]

**YOU ARE INVITED TO  
ATTEND  
DEBATE**

WHO SHOULD BE ELECTED GOVERNOR  
OF CALIFORNIA ?

**Attorney ROLLIN L. McNITT**

FOR

**GOV. CULBERT L. OLSON  
RICHARD PETTY**

FOR

**EARL WARREN**

---

QUESTIONS FROM AUDIENCE FOLLOWING  
DEBATE

---

**Friday August 21, 7:00 P. M.**

**Cliftons Cafeteria, 648 South Broadway**

South Sea Room — (No Check to Small at Clifton's)

AUSPICES

**DEFEND AMERICA LEAGUE**

EARL C. CRAIG, Chairman 646 Tularosa Dr. Los Angeles, Calif.



# Democrat Party Purge Here Urged by M'Nitt

By Carl Greenberg

Democratic Party heads, led by James Roosevelt, have been spending the last two years working to achieve their own political ambitions, "not to build the party," Rollin L. McNitt, former county chairman and Democratic County Council leader, charged yesterday.

"It's obvious the party must be reorganized from top to bottom and it can't be done by the present leadership," declared McNitt.

"In the past two years, they have been working for their own interests and not to build the party.

"James Roosevelt was working for Governor.

"Glenn Anderson as county chairman (now state chairman) worked to run for State Senator.

## LOST RACE—

"Esther Murray, who formerly was state women's vice chairman, built herself up to run for Congress in the 16th District (and lost).

"You can't build yourself and the party.

"Roosevelt should resign as Democratic National Committeeman, Anderson should get out of his present post and Dick Richards, the present county chairman, should quit, too."

Frank Dee Scriven, chairman of the County Council's executive committee, declared Anderson and Richards were Roosevelt's selections "and completely dominated by his individual thinking instead of the collective thinking of the varied elements in the party."

## MILLION LEAD—

While the top-ranking trio of the party came under fire, Governor Earl Warren's vote for a precedent-breaking third term neared the 2,500,000 mark and his majority over Roosevelt topped 1,000,000.

It was the biggest vote ever given any candidate in California's history. In the 1946 gubernatorial election, Warren, with both major party nominations, received 2,344,542 votes.

Richard Nixon's vote went over 2,100,000 and his majority over Helen Gahan Douglas in the United States Senate contest passed 645,000.

The Republican Congressman was summoned by Senator Robert A. Taft of Ohio, to a Washington conference November 27, when GOP strategy in the 82nd Congress is expected to be worked out.

Nixon reiterated yesterday his

Los Angeles Examiner  
Fri., Nov. 10, 1950 Sec. 1—6

of voters to support basic principles of good government for all Americans."

"The election climaxed a crusade in the best interests of the nation and the state," Waters declared. "In that respect, the outcome is not a partisan victory.

"We appreciate the fact that hundreds of thousands of Democrats joined Republican voters without regard for partisan feelings to reelect Governor Warren and to elect Richard Nixon."

## ONE UPSET—

Only one major upset developed yesterday.

Proposition No. 10 to require a local vote on public housing projects, went into the "yes" column after being on the losing side for more than 24 hours.



# DEFEAT STIRS BITTER REVOLT OF DEMOCRATS

27

1950

Resignation of Roosevelt, Other  
Leaders Demanded After Loss

## STATEWIDE RETURNS U. S. SENATOR

18,198 Precincts out of 18,408  
Douglas (D.) ..... 1,468,848  
Nixon (R.) ..... 2,114,824

## GOVERNOR

18,198 Precincts out of 18,408  
Warren (R., Inc.) ..... 2,394,351  
Roosevelt (D.) ..... 1,305,834

## ATTORNEY GENERAL

18,194 Precincts out of 18,408  
Brown (D.) ..... 1,806,083  
Shattuck (R.) ..... 1,581,311

Revolt within the Democratic Party spread yesterday with demands for the resignations of James Roosevelt as Democratic National Committeeman, State Chairman Glenn M. Anderson and County Chairman Richard Richards.

As the full weight of the election returns crushingly impressed itself, Roosevelt and the party chairmen faced open denunciation.

## COUNCIL LEADER

"If replacements aren't found for the three top party posts, it is doubtful that the party will fare any better in 1952—it might even be worse," declared Frank Dee Scriven.

Scriven is one of the founders of the Democratic County Council, formed by middle-roadsers to rid the county central committee of leftist elements.

Rollin L. McNitt, former county chairman and vigorous Truman supporter, called for party reorganization "from top to bottom."

McNitt's call for the trio's resignations followed former Democratic State Treasurer Henry I. Dockweiler's stinging demand California Democrats purge the party of its "pretended leaders" and give it a complete overhaul.

(Additional story on Page 6)

## Dems. Rap Leadership

McNitt, Dockweiler  
Hit Radicalism

California Democracy needs reorganization from top to bottom.

Rollin McNitt, formerly chairman of the Los Angeles Democratic County Central Committee, made this declaration today, naming National Committeeman James Roosevelt; State Chairman Glenn Anderson, and County Chairman Richard Richards as leaders whom he thought should be ousted.

"Last Tuesday's election showed plainly that our party will never get anywhere in this state until we get some good middle of the road Democrat as leader," he declared.

"One trouble for years has been that our official leaders have been persons whose only aim was to build themselves up for public office. Roosevelt sought to be governor and Anderson state senator. That did the party no good."

## BACKED DOUGLAS

McNitt was a supporter of Manchester Boddy for the Democratic nomination for United States senator, but after Boddy lost in the primary worked for Congresswoman Helen Gahagan Douglas, the nominee.

Former Congressman Will Rogers, co-chairman of the Douglas campaign, declined to comment on the election, but added that perhaps "some of us will try to get together to salvage something."

Henry I. Dockweiler, formerly treasurer of the Democratic State Committee, called for new leadership in a statement aimed at Mrs. Douglas, Roosevelt, Anderson and Richards.

Also he aimed at Democrats in higher places by stating that "people are dubious about the attitude of the administration on radicalism—it is still suspected of mollicoddling Communism."

## RAPS RADICALS

Dockweiler, who was a Truman delegate at the 1948 national convention, also said:

"What the Democratic Party now needs is what a number of us have contended for some time—a complete overhauling and reorganization, starting right at the top.

"The Democrats in this state have a registration advantage over the Republicans in the ratio of five to three and yet for the second consecutive time they have lost decisively and disgracefully.

"The answer is to be found in the simple fact that good Democrats, who believe in fine traditional democracy and register that way, will not support candidates who flirt with radicals.

"In this they are eminently right and the party leaders might as well know it once and for all."





## May Revamp Democratic Party Setup

1950

LOS ANGELES, Nov. 10. (AP) Battered Southern California Democrats, casting a weary eye at Tuesday's results, hinted today that party reorganization may be in the offing.

Rollin McNitt, San Marino, former chairman of the County Democratic Central Committee, said:

"Last Tuesday's election showed plainly that our party will never get anywhere in this state until we get some good middle of the road Democrat as leader."

### Sees Party Faults

Added McNitt, Los Angeles attorney, who has been at odds for some time with James Roosevelt, Democratic national committeeman swamped by Earl Warren in the governorship race:

"One trouble for years has been that our official leaders have been persons whose only aim was to build themselves up for public office. Roosevelt sought to be governor and Anderson State Senator. That did the party no good."

Glenn Anderson, Democratic state chairman, was beaten in the State Senate race in the primary by Republican Jack B. Tenney.

McNitt supported Publisher Manchester Boddy for the Democratic nomination for U. S. Senate in the primary, then backed Rep. Helen Gahagan Douglas, who lost out in the finals.

### Dockweiler View

Henry I. Dockweiler, former treasurer of the Democratic State Central Committee, also urged new leadership. Dockweiler, a Truman delegate at the 1948 national convention, said "people are dubious about the attitude of the Administration on radicalism — It is still suspected of mollicoddling Communism."

Will Rogers, former Congressman and co-chairman of the Douglas campaign, declined Douglas campaign, declined to the party said: "Some of us will try to get together to salvage something."



# Brown Urged to Help Clean Democrats' House

By Carl Greenberg

On two fronts, the Democrats moved yesterday to shake up California's party leadership as an aftermath of the overwhelming Kefauver primary victory.

At the same time, a possible battle was brewing between the 76-member Kefauver delegation and Democratic National Chairman Frank McKinney over representation on the national convention's important platform committee.

These were the developments:

1. Rollin L. McNitt, former Democratic county chairman, sent a letter to Attorney General Edmund G. "Pat" Brown, whose "free" slate was defeated, telling him now is the time for Brown to help the Kefauver people clean house in the party.

2. Brown said that's what he has right to do and what role he will play in helping will depend on them.

## CHANGES—

3. Preparing to meet in Fresno June 14 and 15 to elect a delegation chairman, Kefauver leaders indicated making changes is just what they have in mind.

4. They also are going to designate delegates to serve on the platform committee and are angry at McKinney for having put two Brown delegates on it two weeks ago. "If we don't get our people on we'll protest plenty," promised Dave Foutz, Kefauver's Southern California campaign chief.

5. It was reliably reported all but four or five of the Kefauver slate, which leaves here for Chicago via Santa Fe July 18, favors Supervisor John Anson Ford, state campaign chairman for Kefauver, as the next national committeeman to succeed James Roosevelt.

The fireworks started early with McNitt's gently chiding letter reminding Brown that last March he told McNitt, long a battler against the left wing, that he thought the Kefauver delegation would bring about party reorganization at the state and local level.

"Imagine our surprise," said McNitt, when a couple of days later Brown blossomed out as a "favorite son" candidate. That, in McNitt's opinion, has done Brown "inestimable harm," but he thinks Brown can recover "within the next few years" if he gets in and pitches.

McNitt told Brown there still are some "stinkers" on the county committee here. Indicative of how he feels about the state leadership, he noted that "fortunately, the present state chairman (Glenn M. Anderson) was ignominiously defeated in his race for Supervisor."

## VERY COURTEOUS—

Brown heard about the letter

tening to his text, the Attorney General opined "that's a very courteous letter" and when he gets back in a week from Sun Valley he'll probably answer it.

"I have only one rule in politics—do the thing I think is the right thing to do," declared Brown.

"The Kefauver people should have a chance to reorganize the party as they see it. The part I play will depend on them.

"I changed my mind about heading the delegation because Truman withdrew as a candidate."

## SELECT OFFICERS—

Roosevelt, it was understood, is not a candidate for reelection as National Committeeman. He went for Kefauver after Truman refused to run.

If Ford replaces him, the Kefauver delegation chairmanship probably will go North—to State Sen. George Miller Jr., who ran the Kefauver campaign above the Tehachaps and ran with Roosevelt in the last gubernatorial contest.

Foutz said the Fresno session also will select other slate officers, choose members to serve on standing convention committees and take up any other business that comes along.

He said they certainly don't like the idea of McKinney putting the Brown delegates—Ruth Dodds of Sacramento and John S. Watson of Petaluma—on the platform committee before he even knew the outcome of Tuesday's election.

Meanwhile, U. S. Sen. William F. Knowland, who won the GOP and Democratic nominations for reelection from Democratic Congressman Clinton D. McKinnon, had stacked up 2,450,435 votes on both tickets—more than any primary candidate ever got in California.

Secretary of State Frank M.

Jordan had the previous high with 2,240,411 in 1950.

Nearly complete counts showed Knowland with 1,499,290 and McKinnon with 139,467 on the GOP ballot; Democratic—Knowland, 951,145 and McKinnon, 628,896.

## WARREN FIGURES—

Gov. Earl Warren's majority over the Republican Wendell "free" presidential slate was 488,404. Warren had 997,609 to Wendell's 509,205. Warren's Los Angeles County majority was 99,928.

Sen. Estes Kefauver's delegation received 1,128,639 votes to 477,694 for Brown.

Warren's legislative supporters remained in the majority at Sacramento. Only one incumbent lawmaker was defeated.

Assemblyman Edward M. Gaffney of San Francisco's 24th District, which was consolidated with that of Assemblyman George D. Collins Jr., lost the Democratic nomination to Collins, who faces a runoff.

## TWO-VOTE LEAD—

In the Mother Lode's Sixth District, Assemblyman Francis Lindsay, Republican, previously fac-

ing a runoff, was leading Democrat Bliss K. Harper by two votes.

The 10th District, Contra Costa County, changed results overnight with Donald Doyle winning the GOP nomination for Assembly instead of Othmer J. Wohlgemuth. Doyle will fight it out with Harold S. Mutnick, Democrat.

Vote Registrar Benjamin S. Hite began his official canvass yesterday. It must be completed by June 25. The last day for absentee ballots to be received is June 19.

## Senate Unit OK's Disabled Pay Hike

WASHINGTON, June 5.—The Senate finance committee today approved a bill to increase veterans' compensation for certain disabilities.

The committee amended the House-passed bill to equalize proposed increases at 11 per cent for those who lost a limb or who were otherwise disabled in service. The House bill recommends some increases above and some below 11 per cent.



The following is a copy of a speech given by Rollin McNitt on behalf of Earl Warren during his 1938 campaign for Attorney General of the State of California.

DEAN ROLLIN L. McNITT, a recognized liberal, Dean of the Law School of Southwestern University of Los Angeles, an active member of the Democratic Party, and one of the first Roosevelt Democrats in the State of California, will now address you. DEAN McNITT.

My fellow citizens: I am very happy to speak a word to you on behalf of Earl Warren, candidate for Attorney General on the Democratic as well as the Republican and Progressive tickets. The Attorney Generalship is not a policy-making office like that of the governorship. As the advisor to our state departments, boards and commissions, and as the representative of the state in litigation, the Attorney General is, in the last analysis, simply the lawyer for the people of California. Such office should be non-political, and the candidate should be able to present his candidacy solely upon the basis of his ability and training in public law. We should choose him as we do the justices of our Supreme Court without reference to party labels. However, our primary law permits a candidate to present himself to the voters of all parties.

After full consideration of the qualifications and platforms of all the candidates for this important office, I believe that no other candidate can measure up to Earl Warren in the training and ability which he has had in the field of public law. As District Attorney of Alameda County, for fourteen years Earl Warren has been dealing with



the legal matters concerning the administration of public agencies, the operation of charitable institutions, the questions of public finance, the conduct of public school systems, the defense of legislation and the other varied legal work of his county which has a striking counterpart in the duties of Attorney General of the State.

For years as an active member of the Democratic party, I have been interested in social and humanitarian legislation, and although others may disagree with me, I believe that the Democratic party offers the best hope of achieving the social and humanitarian ends sought by this legislation. All of us can agree, however, that once such legislation is enacted, whether it is enacted under the leadership of the Democratic or some other party, it should be enforced and competently defended in court. As a lawyer and a dean of a law school, I know that it is important to have a lawyer representing the people who in legal ability and training is able to stand up to the adept and capable counsel of the interests opposing such legislation. Because Earl Warren has this ability and training in public law, and because he has assured me personally that he will administer the office in a non-partisan way, regardless of who is chosen governor, I urge his candidacy for Attorney General.

I realize that it is difficult for people who are not lawyers to judge a man's qualifications for this technical office. But the best test I can give you is to ask your own lawyer: which candidate should be elected Attorney General? I assure you that in nearly every instance your lawyer, whether he is a Democrat, Republican or Progressive, will





ROLLIN McNITT 3.

tell you that Earl Warren is the man who will best serve the people  
of California as their lawyer and as their Attorney General.



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Amelia R. Fry

Graduated from the University of Oklahoma in 1947 with a B.A. in psychology, wrote for campus magazine; Master of Arts in educational psychology from the University of Illinois in 1952, with heavy minors in English for both degrees.

Taught freshman English at the University of Illinois 1947-48, and Hiram College (Ohio) 1954-55. Also taught English as a foreign language in Chicago 1950-53.

Writes feature articles for various newspapers, was reporter for a suburban daily 1966-67. Writes professional articles for journals and historical magazines.

Joined the staff of Regional Oral History Office in February, 1959.

Conducted interview series on University history, woman suffrage, the history of conservation and forestry, and public administration and politics.

Director, Earl Warren Oral History Project

Secretary, Oral History Association; oral history editor, Journal of Library History, Philosophy, and Comparative Librarianship.





June Cunningham Hogan

Studied at Mills College, B.A. from  
Northwestern University, 1944.

Assistant editor, Ladies Home Journal,  
Philadelphia, 1944-46. Instructor in  
journalism, Connecticut College of  
Commerce, New Haven; staff writer for  
Connecticut Circle magazine, 1946-48.

Reporter for San Francisco Chronicle,  
1948-55, specializing in women's news  
with emphasis on women's organizations  
such as League of Women Voters, Pro  
America, Business and Professional  
Women's Club. During this period, met  
and interviewed members of the Warren  
clan, from Honey Bear to the Chief Justice.

Supervised research, planning and  
publications, primarily in local  
government and education, for League  
of Women Voters and other citizen  
groups, 1955- .

Joined Regional Oral History Office as  
interviewer-editor in 1969.























